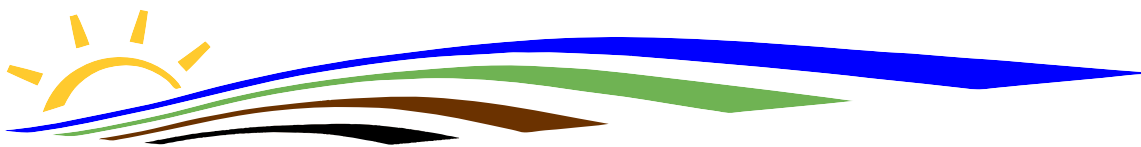




Summer 2008

New Mexico

Permit Requirements for Energy and Mineral Projects



New Mexico Energy, Minerals and Natural Resources Department

BILL RICHARDSON
GOVERNOR OF NEW MEXICO

JOANNA PRUKOP
CABINET SECRETARY

PERMIT REQUIREMENTS FOR ENERGY AND MINERALS IN NEW MEXICO

Summer 2008



New Mexico Energy, Minerals and Natural Resources Department

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INTRODUCTION

This guidebook is intended not only for private developers, environmental and other interest groups, but also for regulatory officials of federal, tribal, state and local governments.

The guidebook's purpose is to summarize the permits, issued by the State of New Mexico, that are required for energy and mineral resource exploration, development, production and reclamation in New Mexico. The guidebook includes regulatory agency contact information for state agencies that have jurisdiction over permits, licenses and approvals. In addition, it includes a brief description of permit requirements for federal and Indian lands. From a regulatory point of view, this document represents the closest thing to one-stop shopping for individuals, agencies and organizations interested in the activities described above. While it does not purport to give you the minutia associated with any particular permit, this document provides enough of the "who, where and what" to get started. To the best of our knowledge, New Mexico is one of the few states that developed a comprehensive permit requirements document. Clearly, it is not possible to address every permit requirement covering every possible scenario.

While this document describes how several agencies may regulate the same activity, the agencies often work together and coordinate their permit reviews. Applicants are strongly encouraged to communicate with agencies prior to submitting any application. Most permitting processes have significant opportunities for public comment, so applicants are also encouraged to work with local communities and tribes. State, federal and tribal jurisdiction and requirements on Indian Lands can be complex, particularly in the checkerboard area of the Navajo Nation.

The individual State agencies that have jurisdiction over the permits, licenses and approvals provided the information for their respective chapters. Changes in the laws, rules, regulations or regulatory personnel since the publication of the guidebook may alter some permit requirements. In addition, mineral ownership and surface/mineral

estate status will affect agency jurisdiction. This guide should not be construed as a legal document or a final authority on regulations and permits. The guidebook is not intended to be a comprehensive reference to specific requirements, but to provide concise, easy-to-use information on regulations that govern the development of resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate agency for further information. Contacts are provided in each chapter for State (S) and Federal (F) agencies.

The guidebook contains 12 chapters. Chapter 1 provides the standard format used in chapters 2 through 9. Each chapter is devoted to one State agency. Chapters are further divided into sections, indicated by decimal notation. In general, each section summarizes the permits or requirements of one program within one agency. Permits focus on a wide variety of topics including land use regulation; mine registration, reporting and safeguarding; exploration and mine permitting; resource extraction; environmental quality and water management; reclamation; and historical, ecological, and archaeological preservation. Chapter 10 discusses local government regulatory policies. Chapters 11 and 12 address selected federal requirements and Indian reservation and allotment lands, respectively. A handy checklist for permit requirements is included at the beginning of the guidebook to help indicate which permits may be required for various operations by agency and mineral ownership. The Mine Registration, Reporting and Safeguarding Program of the Mining and Minerals Division of the New Mexico Energy, Minerals and Natural Resources Department serves as a one-stop clearinghouse for extractive industry permitting and regulatory information and assistance. For further information, please contact:

John Pfeil, Geologist
Mining and Minerals Division
1220 South St. Francis Drive
Santa Fe, NM 87505
(505) 476-3407
john.pfeil@state.nm.us
www.emnrd.state.nm.us/MMD/MRRS/MineRegistration.htm

CHECKLIST FOR STATE PERMIT REQUIREMENTS

| STATE AGENCY | Mineral Estate | | | | Activity Type | | | | | | | | | | | | |
|-------------------------------------------------------------------|----------------|-------|---------------|---------|----------------------------------|----------------|----------|--------------------------------|------------------------------|-------------|--------------|---------|--------------------------------|-------------|-------------|------------------------|------------|
| | Public Domain | State | Private (Fee) | Indian* | Exploration (leasing & drilling) | Metallic | | | | | Non-Metallic | | | | | Mine Mouth Power Plant | |
| | | | | | | Mining/Milling | Smelters | Leaching & Solution Operations | Tailings Dams & Impoundments | Reclamation | Mining | Milling | Coal Exploration & Development | Reclamation | Oil and Gas | | Geothermal |
| ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT | | | | | | | | | | | | | | | | | |
| Mining and Minerals Division | | | | | | | | | | | | | | | | | |
| Coal Mine Reclamation Program | ✓ | ✓ | ✓ | | ✓ | | | | | | ✓ | ✓ | ✓ | ✓ | | | |
| Mining Act Reclamation Program | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | | | |
| Mine Registration Program | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | | | | |
| Oil Conservation Division | | | | | | | | | | | | | | | | | |
| Environmental Bureau | ✓ | ✓ | ✓ | | | | | | | | | | | | ✓ | ✓ | ✓ |
| Forestry Division | | | | | | | | | | | | | | | | | |
| Environmental Resource Assessment Bureau | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ |
| DEPARTMENT OF GAME AND FISH | | | | | | | | | | | | | | | | | |
| Conservation Services Division | | | | | | | | | | | | | | | | | |
| | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ |
| ENVIRONMENT DEPARTMENT | | | | | | | | | | | | | | | | | |
| Water and Waste Management Division | | | | | | | | | | | | | | | | | |
| Ground Water Quality Bureau | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | | | | ✓ |
| Hazardous Waste Bureau | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | | | ✓ | ✓ | | | | | |
| Water & Wastewater Infrastructure Development Division | | | | | | | | | | | | | | | | | |
| Drinking Water Bureau | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | | | | ✓ |
| Environmental Health Division | | | | | | | | | | | | | | | | | |
| Radiation Control Bureau | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | | | ✓ | | ✓ | | ✓ | ✓ | |
| Environmental Protection Division | | | | | | | | | | | | | | | | | |
| Air Quality Bureau | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ |
| Solid Waste Bureau | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ |
| Petroleum Storage Tank Bureau | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | | | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ |
| Occupational Health and Safety Bureau | ✓ | ✓ | ✓ | | ✓ | | ✓ | ✓ | ✓ | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ |
| OFFICE OF THE STATE ENGINEER | | | | | | | | | | | | | | | | | |
| Water Rights Division | | | | | | | | | | | | | | | | | |
| | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| STATE LAND OFFICE | | | | | | | | | | | | | | | | | |
| Oil, Gas and Minerals Division | | | | | | | | | | | | | | | | | |
| | | ✓ | | | ✓ | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ | ✓ |
| DEPARTMENT OF CULTURAL AFFAIRS | | | | | | | | | | | | | | | | | |
| Historic Preservation Division | | | | | | | | | | | | | | | | | |
| | | ✓ | ✓ | | | ✓ | ✓ | ✓ | | | ✓ | ✓ | | | ✓ | | |
| PUBLIC REGULATION COMMISSION | | | | | | | | | | | | | | | | | |
| Utility Division | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | ✓ |
| STATE MINE INSPECTOR | | | | | | | | | | | | | | | | | |
| Bureau of Mine Safety | | | | | | | | | | | | | | | | | |
| | ✓ | ✓ | ✓ | | | | ✓ | | | | ✓ | | ✓ | | | | |

*Includes Indian allotted, reservation, trust and fee lands.

This checklist is designed to be used as a guide only. Permitting requirements will vary, depending on individual circumstances. If there is any doubt regarding necessary permits, contact the agency to determine which permits are required.

STATE AGENCY CONTACT LIST

| Agency and Contact | Address | Phone Fax (f) | Website |
|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------------------------------------------------------|
| Director, Mining and Minerals Division Energy, Minerals and Natural Resources Department | Wendell Chino Building 1220 South St. Francis Drive Santa Fe, NM 87505 | (505) 476-3400 f (505) 476-3402 | www.emnrd.state.nm.us/MMD |
| Director, Oil Conservation Division Energy, Minerals and Natural Resources Department | Wendell Chino Building 1220 South St. Francis Drive Santa Fe, NM 87505 | (505) 476-3440 f (505) 476-3462 | www.emnrd.state.nm.us/ocd |
| Director, Forestry Division Energy, Minerals and Natural Resources Department | P.O. Box 1948 Santa Fe, NM 87504-1948 | (505) 476-3325 f (505) 476-3330 | www.emnrd.state.nm.us/FD |
| Chief, Conservation Services Division New Mexico Department of Game and Fish | P.O. Box 25112 Santa Fe, NM 87504 | (505) 476-8101 f (505) 476-8128 | www.wildlife.state.nm.us |
| Chief, Ground Water Quality Bureau Water and Waste Management Division New Mexico Environment Department | Harold Runnels Building 1190 St. Francis Drive Santa Fe, NM 87503 | (505) 827-2918 f (505) 827-2965 | www.nmenv.state.nm.us/gwb/gwqbhome.html |
| Chief, Hazardous Waste Bureau Water and Waste Management Division New Mexico Environment Department | 2905 Rodeo Park Drive East Building 1 Santa Fe, NM 87505-6303 | (505) 428-2500 f (505) 428-2567 | www.nmenv.state.nm.us/hwb |
| Chief, Drinking Water Bureau Water and Wastewater Infrastructure Division New Mexico Environment Department | 525 Camino de los Marquez, Suite 4 Santa Fe, NM 87505 | (505) 827-7536 f (505) 827-7545 | www.nmenv.state.nm.us/dwb |
| Chief, Construction Programs Bureau Water and Wastewater Infrastructure Division New Mexico Environment Department | Harold Runnels Building 1190 St. Francis Drive Santa Fe, NM 87503 | (505) 827-2806 f (505) 827-2837 | www.nmenv.state.nm.us/cpb/cpbtop.html |
| Chief, Radiation Control Bureau Environmental Health Division New Mexico Environment Department | Harold Runnels Building 1190 St. Francis Drive Santa Fe, NM 87505 | (505) 476-3236 f (505) 476-3232 | www.nmenv.state.nm.us/nmrcb/home.html |
| Chief, Air Quality Bureau Environmental Protection Division New Mexico Environment Department | 1301 Siler Road Building B Santa Fe, New Mexico 87507 | (505) 476-4300 f (505) 476-4375 | www.nmenv.state.nm.us/aqb |
| Chief, Solid Waste Bureau Environmental Protection Division New Mexico Environment Department | Harold Runnels Building 1190 St. Francis Drive Santa Fe, NM 87503 | (505) 827-0197 f (505) 827-2902 | www.nmenv.state.nm.us/SWB |
| Chief, Petroleum Storage Tank Bureau Environmental Protection Division New Mexico Environment Department | 1301 Siler Road Building B Santa Fe, NM 87507 | (505) 476-4397 f (505) 984-1738 | www.nmenv.state.nm.us/ust/ustbtop.html |

| Agency and Contact | Address | Phone Fax (f) | Website |
|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Chief, Occupational Health and Safety Bureau Environmental Protection Division New Mexico Environment Department | 525 Camino de los Marquez Suite 3 Santa Fe, NM 87505 | (505) 476-8700 f (505) 476-8734 | www.nmenv.state.nm.us/Ohsb_Website |
| Water Resource Allocation Program Water Rights Division Office of the State Engineer | Bataan Memorial Building, Room 102 P.O. Box 25102 Santa Fe, NM 87504-5102 | (505) 827-6120 f (505) 827-6682 | www.ose.state.nm.us/water_info_water_rights.html |
| Commissioner of Public Lands Oil, Gas and Minerals Division State Land Office | P.O. Box 1148 Santa Fe, NM 87504-1148 | (505) 827-5750 f (505) 827-4739 | www.nmstatelands.org |
| Director, Historic Preservation Division Archaeological Permit Program Department of Cultural Affairs | Bataan Memorial Building 407 Galisteo St., Suite 236 Santa Fe, NM 87501 | (505) 827-6320 f (505) 827-6338 | www.nmhistoricpreservation.org/PROGRAMS/permits.html |
| Director, Utility Division Public Regulation Commission | Marian Hall 224 E. Palace Avenue Santa Fe, NM 87501 | (505) 827-6941 f (505) 827-4402 | www.nmprc.state.nm.us/ud.htm |
| State Mine Inspector Bureau of Mine Safety | New Mexico Tech 801 Leroy Place Socorro, NM 87801 | (575) 835-5460 f (575) 835-5430 | www.bmi.state.nm.us |

LOCAL AGENCY CONTACT LIST

| Agency and Contact | Address | Phone Fax (f) | Website |
|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------|----------------------------------------------------------------------|
| Chief, Air Quality Control Division Environmental Health Department City of Albuquerque | 11850 Sunset Gardens SW Albuquerque, New Mexico 87121 | (505) 768-1972 f (505) 768-1977 | www.cabq.gov/airquality |
| New Mexico Municipal League | 1229 Paseo de Peralta P.O. Box 846 Santa Fe, NM 87504 | (800) 432-2036 (505) 982-5573 f (505) 984-1392 | nmml.org |
| New Mexico Association of Counties | 613 Old Santa Fe Trail Santa Fe, New Mexico 87505 | (800) 333-6438 (505) 983-2101 f (505) 983-4396 | www.nmcounties.org |

FEDERAL AGENCY CONTACT LIST

| Agency and Contact | Address | Phone Fax (f) | Website |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| New Mexico State Director Bureau of Land Management U.S. Department of the Interior | 1474 Rodeo Road P.O. Box 27115 Santa Fe, NM 87502-7115 | (505) 438-7400 f (505) 438-7426 | www.blm.gov/nm/st/en.html |
| Regional Geologist, Lands and Minerals U.S. Forest Service – Southwest Region U.S. Department of Agriculture | 333 Broadway SE Albuquerque, NM 87102 | (505) 842-3292 | www.fs.fed.us/r3 |
| U.S. Fish and Wildlife Service U.S. Department of the Interior | P.O. Box 1306 Albuquerque, NM 87103-1306 | (505) 248-6878 f (505) 248-6674 | www.fws.gov/southwest/newmex.html |
| Chief, Regulatory Branch Albuquerque District U.S. Army Corps of Engineers | 4101 Jefferson Plaza NE Albuquerque, NM 87109-3435 | (505) 342-3283 f (505) 342-3498 | www.spa.usace.army.mil/reg/projman.htm |
| Chief, NPDES Permits Branch U.S. Environmental Protection Agency - Region VI | 1445 Ross Avenue Dallas, TX 75202 | (214) 655-6444 | www.epa.gov/earth1r6/6wq/npdes/index.htm |
| Chief, State Implementation Plans Section U.S. Environmental Protection Agency - Region VI | 6PD-L, 1445 Ross Avenue Dallas TX 75202-2733 | (214) 665-7242 | www.epa.gov/earth1r6/6pd/air/sip/sip.htm |
| Regional Administrator, Region VI Occupational Safety & Health Administration U.S. Department of Labor | 525 Griffin Street Dallas, TX 75202 | (972) 850-4145 f (972) 850-4149 | www.osha.gov/oshdir/r06.html |
| Manager New Mexico Field Office Coal Mine Safety and Health District IX Mine Safety and Health Administration U.S. Department of Labor | 1415 W. Aztec Blvd. Suite 1 Aztec, NM 87410-1899 | (505) 334-4011 f (505) 334-7522 | www.msha.gov |
| Manager, New Mexico Field Office Metal / Nonmetal Mine Health and Safety South Central District Mine Safety and Health Administration U.S. Department of Labor | 300 San Mateo Boulevard NE Suite 407 Albuquerque, NM 87108 | (505) 346-6775 f (505) 346-6776 | www.msha.gov |
| Chief, Fuel Cycle Licensing Branch Office of Nuclear Material Safety and Safeguards U.S. Nuclear Regulatory Commission – Region IV | Washington, DC 20555-0001 | (301) 415-7000 | www.nrc.gov/materials/fuel-cycle-fac/licensing.html |
| Chief, Nuclear Materials Licensing Branch Division of Nuclear Materials Safety U.S. Nuclear Regulatory Commission – Region IV | 611 Ryan Plaza Drive, Suite 400 Arlington, Texas 76011-4005 | (817) 860-8100 | www.nrc.gov/about-nrc/organization/rivfuncdesc.html |

1. STANDARD FORMAT FOR PERMIT SUMMARIES – ADMINISTERING DEPARTMENT

1.1. ADMINISTERING DIVISION

1.1.1. ADMINISTERING PROGRAM OR BUREAU AND TITLE OF ACTIVITY ADDRESSED BY PERMIT, LICENSE OR APPROVAL

INTRODUCTION

Description of administering agency and its role.

A. NAME OF PERMIT OR APPROVAL

- Complete name of permit or approval, with notation indicating mandate by State (S), federal (F) or county (C) government.

B. STATUTORY AUTHORITY

- Title of New Mexico Statutes Annotated (NMSA) authorizing permit and the legal citations, with notation indicating pending changes (P) to the statute(s); § - section, §§ - sections.

C. TITLE OF REGULATION

- Title of State regulation(s) which apply to permit, with notation indicating pending changes (P) to the regulation(s).

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Summary of major steps involved in the permit/approval process.
 1. Applicability
 - Includes all types of activities which require the permit.
 2. General Requirements
 - Conditions which must be met by the project sponsor before a permit can be acquired, excluding submission of operations requirements.
 3. Submission Requirements
 - Types of information which the project sponsor must include in the application for the permit.
 4. Procedures for Obtaining Permit or Approval
 - Includes information on items such as submittal procedures, completeness and technical review, public notice, comment and hearing periods, preliminary and final decisions, inspections, and processing times.
 5. Operations Requirements
 - Conditions which are established by the regulatory agency following permit approval and which must be met by the project sponsor in order to continue operations.

6. Fees

- Costs incurred for obtaining and maintaining the permit.

7. Appeal Process

- Process whereby decisions concerning permit approval/denial that are made by a regulatory agency can be appealed.

E. ADMINISTERING AGENCY

- Name of the administering agency and its head, address, telephone number, fax number and website address.
 - Name of the counterpart federal agency and its head, address, telephone number, fax number and website address.
-
-

2. ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

2.1. MINING AND MINERALS DIVISION

2.1.1. COAL MINE RECLAMATION PROGRAM – COAL EXPLORATION PERMIT

INTRODUCTION

The Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department has responsibility for approving coal exploration plans under the authority of the New Mexico Surface Mining Act. This approval ensures proper environmental protection during initiation and completion of exploration activities.

A. NAME OF PERMIT OR APPROVAL

- Coal Exploration Plan Approval(s). (S)

B. STATUTORY AUTHORITY

- Surface Mining Act, NMSA 1978, §§69-25A-1 et seq.

C. TITLE OF REGULATION

- 19.8 NMAC, Coal Mining.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Applicant requests copies of regulations and guidelines from MMD.
- Applicant submits application to MMD.
- Final approval by MMD.
 1. Applicability
 - Required for any person conducting coal exploration in New Mexico on state or private lands.
 2. General Requirements
 - Approval must be obtained prior to initiation of any exploration activities.
 - 3a. Submission Requirements (for less than 250 tons)
 - Name, address, and telephone number of applicant.
 - Name, address, and telephone number of person who will be present and responsible for conducting the exploration activities.
 - Period of exploration.
 - Description of practices to be followed to avoid adverse environmental impacts.
 - Description of basis for right of entry.
 - 3b. Submission Requirements (for more than 250 tons)*
 - All requirements for less than 250 tons.

- An operations plan including:
 - Narrative of mining method.
 - Method of complying with federal and state environmental statutes.
 - Description of reclamation procedures and timetable for conducting and completing each phase of exploration and reclamation.
- 4. Procedures for Obtaining Permit or Approval
 - Applicant submits application to MMD.
 - Final review and approval by MMD.
 - Bond may be required for operations extracting more than 250 tons of coal. Bond may also may be required, by the Director, for less than 250-ton operations if significant disturbance to the environment is anticipated.
- 5. Operations Requirements
 - The operator must comply with 19.8.6 NMAC.
- 6. Fees
 - A \$100 filing fee is required for less than 250 tons.
 - A \$200 filing fee is required for more than 250 tons.
- 7. Appeal Process
 - Appeal to the Director.
 - Appeal to the District Court.

E. ADMINISTERING AGENCY

Director, Mining and Minerals Division (S)
 Energy, Minerals and Natural Resources Department
 Wendell Chino Building
 1220 South St. Francis Drive
 Santa Fe, NM 87505
 Phone: (505) 476-3400
 Fax: (505) 476-3402
www.emnrd.state.nm.us/MMD/CMRP.htm

* Any person who extracts coal for commercial sale during exploration operations must obtain a permit for those operations under 19.8.5 NMAC through 19.8.13 NMAC.

2.1.2. COAL MINE RECLAMATION PROGRAM – COAL SURFACE MINING PERMIT

INTRODUCTION

The Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department has responsibility for issuance of permits for coal mining under the authority of the New Mexico Surface Mining Act. The purpose of this permit is to protect the environment surrounding the area that may be disturbed during mining activities and to

ensure that the affected area is restored to a condition equal to or better than that which existed prior to mining.

A. NAME OF PERMIT OR APPROVAL

- Coal Surface Mining Permit. (S, F)

B. STATUTORY AUTHORITY

- Surface Mining Act, NMSA 1978, §§69-25A-1 et seq.

C. TITLE OF REGULATION

- 19.8 NMAC, Coal Mining.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Submit application containing an operation/reclamation plan.
- Final review and approval by MMD with recommendations from other applicable agencies.
 1. Applicability
 - Surface and underground coal mining on state, federal or private lands.
 2. General Requirements
 - A mining plan, reclamation plan and reclamation bond for the mine must be submitted and approved prior to initiation of mining operations.
 3. Submission Requirements
 - Identification of interests.
 - Right of entry.
 - Environmental resources information.
 - Geology and hydrology information.
 - Climatologic information.
 - Vegetation information.
 - Soils information.
 - Land use and related information.
 - Operation plans.
 - Reclamation plans.
 - Bonding estimates.
 4. Procedures for Obtaining Permit or Approval
 - Applicant submits permit application to MMD as well as other applicable agencies designated by MMD; MMD consults with other applicable state and federal agencies as required.
 - MMD conducts technical adequacy review of application and consults with other state agencies on specific areas of the plan for which they have specific jurisdiction such as the State Historic Preservation Office.
 - MMD identifies technical deficiencies and allows applicant sufficient time to revise application.

- A public meeting is conducted on the basis of a complete application.
 - The application is approved or denied.
 - A bond must be posted prior to issuance of the permit.
5. Operations Requirements
- Compliance with 19.8.9 NMAC.
6. Fees
- Original permit filing fee is \$2,500 plus \$25 per acre for land estimated to be disturbed in first year.
 - Annual fee is \$2,500 plus \$25 per acre for land disturbed. Maximum annual fee is \$17,500.
7. Appeal Process
- Appeal to Director.
 - Appeal to District Court.

E. ADMINISTERING AGENCY

Director, Mining and Minerals Division (S)
 Energy, Minerals and Natural Resources Department
 Wendell Chino Building
 1220 South St. Francis Drive
 Santa Fe, NM 87505
 Phone: (505) 476-3400
 Fax: (505) 476-3402
www.emnrd.state.nm.us/MMD/CMRP.htm

2.1.3. MINING ACT RECLAMATION PROGRAM – GENERAL PERMITS

INTRODUCTION

The Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department issues permits for obtaining certain commodities under the authority of the New Mexico Mining Act. These commodities include all nonliving commodities that are extracted from the earth for use or conversion into a saleable or usable product. These commodities do not include clays; adobe; flagstone; potash; sand; gravel; caliche; borrow dirt; quarry rock used as aggregate for construction; coal; surface water or subsurface water; geothermal resources; oil and natural gas together with other chemicals recovered with them; commodities, byproduct materials and wastes that are regulated by the Nuclear Regulatory Commission; or waste regulated under Subtitle C of the federal Resource Conservation and Recovery Act. The purpose of these permits is to protect the environment surrounding the area where mining activities are taking place, and

to reclaim directly impacted areas. The majority of these permits are issued to recreational miners.

A. NAME OF PERMIT OR APPROVAL

- General Permit - Dry. (S)
- General Permit - Wet. (S)

B. STATUTORY AUTHORITY

- New Mexico Mining Act, NMSA 1978, §§69-36-1 et seq.

C. TITLE OF REGULATION

- 19.10.3.301 NMAC, General Permits.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Applicant requests application and copies of regulations and guidelines from MMD.
- Applicant submits application to MMD.
- Final approval by MMD.
 1. Applicability
 - Required for any person conducting recreational mining activities for minerals (as defined in Introduction above) in New Mexico on state, federal or private lands.
 - Dry General Permits are those not occurring in intermittent or perennial streams or other bodies of water. Under a Dry General Permit, excavation must not be greater than 200 cubic yards per year with no more than 25 cubic yards and no more than two (2) acres of surface disturbance at any time.
 - Wet General Permits are those occurring in intermittent or perennial streams or other bodies of water. Under a Wet General Permit, excavations must not be greater than two (2) cubic yards per day and 100 cubic yards per year. Also, excavating into stream banks and drilling are not allowed.
 2. General Requirements
 - Approval must be obtained prior to initiation of any recreational mining activities.
 - General Permits are valid for one (1) year.
 3. Submission Requirements
 - All applicable information outlined in Subsection D of 19.10.3.301 NMAC. This is generally done through MMD's permit application.
 - The permit fee as determined by Subsection E of 19.10.3.301 NMAC.
 4. Procedures for Obtaining Permit or Approval
 - Applicant submits application to MMD.

- All conditions identified in Paragraph 2 of Subsection M of 19.10.1.7 NMAC (Definition of Minimal Impact) and Subsection B of 19.10.3.301 NMAC (Dry General Permit) or Subsection C of 19.10.3.301 (Wet General Permit) have been met.
 - Final review and approval by MMD.
5. Operations Requirements
 - The operator must comply with the provisions of the permit.
 6. Fees
 - A \$50 application fee is required for minimal impact general permits.
 - Annual renewal fee is \$50 per year for general permits.
 7. Appeal Process
 - Appeal to the New Mexico Mining Commission.
 - Appeal to the District Court.

E. ADMINISTERING AGENCY

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 Energy, Minerals and Natural Resources Department
 Wendell Chino Building
 1220 South St. Francis Drive
 Santa Fe, NM 87505
 Phone: (505) 476-3400
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www.emnrd.state.nm.us/MMD/MARP/MARPMainPage.htm

2.1.4. MINING ACT RECLAMATION PROGRAM – EXPLORATION PERMITS

INTRODUCTION

The Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department has responsibility for issuance of permits for exploration for certain commodities under the authority of the New Mexico Mining Act. These commodities include all nonliving commodities that are extracted from the earth for use or conversion into a saleable or usable product. These commodities do not include clays; adobe; flagstone; potash; sand; gravel; caliche; borrow dirt; quarry rock used as aggregate for construction; coal; surface water or subsurface water; geothermal resources; oil and natural gas together with other chemicals recovered with them; commodities, byproduct materials and wastes that are regulated by the Nuclear Regulatory Commission; or waste regulated under Subtitle C of the federal Resource Conservation and Recovery Act. The purpose of these permits is to protect the environment surrounding the area that may be

disturbed during exploration activities, and to ensure that the affected area is reclaimed to a self-sustaining ecosystem or approved post-mining land use.

A. NAME OF PERMIT OR APPROVAL

- Exploration Permit. (S)
- Minimal Impact Exploration Permit. (S)

B. STATUTORY AUTHORITY

- New Mexico Mining Act, NMSA 1978, §§69-36-1 et seq.

C. TITLE OF REGULATIONS

- 19.10.3.302 NMAC, Minimal Impact Exploration Operations.
- 19.10.4 NMAC, Regular Exploration.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Applicant requests application and copies of regulations and guidelines from MMD.
- Applicant submits application to MMD.
- Final approval by MMD.
 1. Applicability
 - Required for any person conducting mineral (as defined in Introduction above) exploration in New Mexico on state, federal or private lands.
 - Excavations must be less than 1,000 cubic yards, and the operation must disturb less than five (5) acres of surface area to be a minimal impact operation.
 2. General Requirements
 - Approval must be obtained prior to initiation of any exploration activities.
 - General Permits are valid for one (1) year.
 - 3a. Submission Requirements: Minimal Impact Exploration operations
 - Description of operation including explanation of how operation meets the definition of minimal impact exploration as defined in 19.10.3.302 NMAC.
 - A completed application on a form provided by MMD, which includes general operation plans.
 - The permit fee as determined by Subsection F of 19.10.2.201.
 - Other requirements as outlined in 19.10.3.302 NMAC.
 - 3b. Submission Requirements: Non-Minimal Impact Exploration operations
 - All applicable information outlined in 19.10.4.402 NMAC.
 - The permit fee as determined by Subsection E of 19.10.2.201.NMAC.
 - Prior to permit issuance, the applicant must provide financial assurance as required by 19.10.12 NMAC.
 4. Procedures for Obtaining Permit or Approval
 - Applicant submits application to MMD.

- All conditions identified in Subsection I of 19.10.3.302.NMAC (Minimal Impact) or Subsection B of 19.10.4.405. NMAC (Non-Minimal Impact) have been met.
 - Final review and approval by MMD.
5. Operations Requirements
- The operator must comply with the provisions of the permit.
6. Fees
- A \$100 application fee is required for minimal impact exploration operations.
 - A \$250 application fee is required for non-minimal impact operations.
 - Annual fee of \$100 for minimal exploration permits.
 - Annual fee of \$250 for non-minimal impact exploration permits.
 - Other fees, as outlined in 19.10.2.201 NMAC, may be assessed for permit transfers, revisions or variances.
7. Appeal Process
- Appeal to the New Mexico Mining Commission.
 - Appeal to the District Court.

E. ADMINISTERING AGENCY

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 Fax: (505) 476-3402

www.emnrd.state.nm.us/MMD/MARP/MARPMainPage.htm

2.1.5. MINING ACT RECLAMATION PROGRAM – MINING PERMITS

INTRODUCTION

The Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department has responsibility for issuance of permits for mining certain commodities under the authority of the New Mexico Mining Act. These commodities include all nonliving commodities that are extracted from the earth for use or conversion into a saleable or usable product. These commodities do not include clays; adobe; flagstone; potash; sand; gravel; caliche; borrow dirt; quarry rock used as aggregate for construction; coal; surface water or subsurface water; geothermal resources; oil and natural gas together with other chemicals recovered with them; commodities, byproduct

materials and wastes that are regulated by the Nuclear Regulatory Commission; or waste regulated under Subtitle C of the federal Resource Conservation and Recovery Act. The purpose of these permits is to protect the environment surrounding the area that may be disturbed during mining activities, and to ensure that the affected area is reclaimed to a self-sustaining ecosystem or approved post-mining land use, where applicable.

A. NAME OF PERMIT OR APPROVAL

- Existing Mining Permit. (S)
- Minimal Impact Existing Mining Permit. (S)
- New Mining Permit. (S)
- Minimal Impact New Mining Permit. (S)

B. STATUTORY AUTHORITY

- New Mexico Mining Act, NMSA 1978, §§69-36-1 et seq.

C. TITLE OF REGULATION

- 19.10.5 NMAC, Existing Mining Operations.
- 19.10.3.303 NMAC, Minimal Impact Existing Mining Operations.
- 19.10.6 NMAC, New Mining Operations.
- 19.10.3.304 NMAC, Minimal Impact New Mining Operations.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Applicant requests copies of regulations and guidelines from MMD.
- Applicant submits application to MMD.
- Final approval by MMD.
 1. Applicability
 - Required for any person conducting mineral (as defined in Introduction above) mining in New Mexico on state, federal or private lands.
 2. General Requirements
 - Approval must be obtained prior to initiation of any mining activities.
 - 3a. Submission Requirements: Minimal Impact Existing Mining operations
 - Description of operation, including explanation of how operation meets the definition of minimal impact existing mining as defined in 19.10.3.303 NMAC.
 - A completed application on a form provided by MMD, which includes general operation plans.
 - The permit application fee as determined by Subsection C of 19.10.2.201 NMAC.
 - Prior to permit issuance, the applicant must provide financial assurance as required by 19.10.12 NMAC.
 - Other requirements as outlined in 19.10.3.303 NMAC.

- 3b. Submission Requirements: Non-Minimal Impact Existing Mining operations
 - All applicable information outlined in 19.10.5.502 NMAC.
 - The permit application fee as determined by Subsection A of 19.10.2.201 NMAC.
 - Prior to permit issuance, the applicant must provide financial assurance as required by 19.10.12 NMAC.
- 3c. Submission Requirements: Minimal Impact New Mining operations
 - Description of operation including explanation of how operation meets the definition of minimal impact new mining as defined in 19.10.3.304 NMAC.
 - A completed application on a form provided by MMD, which includes general operation plans.
 - The permit application fee as determined by Subsection D of 19.10.2.201 NMAC.
 - Prior to permit issuance, the applicant must provide financial assurance as required by 19.10.12 NMAC.
 - Other requirements as outlined in 19.10.3.304 NMAC.
- 3d. Submission Requirements: Non-Minimal Impact New Mining operations
 - All applicable information outlined in 19.10.6.602 NMAC.
 - The permit application fee as determined by Subsection B of 19.10.2.201 NMAC.
 - Prior to permit issuance, the applicant must provide financial assurance as required by 19.10.12 NMAC.
- 4. Procedures for Obtaining Permit or Approval
 - Applicant submits application to MMD.
 - All conditions identified in Subsection K of 19.10.3.303 NMAC (Minimal Impact Existing), or Subsection J of 19.10.3.304 NMAC (Minimal Impact New), or Subsection F of 19.10.5.503 NMAC (Regular Existing), or Subsection B of 19.10.6.606 NMAC (Regular New) have been met.
 - Final review and approval by MMD.
- 5. Operations Requirements
 - The operator must comply with the provisions of the permit.
- 6. Fees
 - The application fee for a minimal impact existing mine application is \$250. A \$250 annual fee is required for these operations.
 - The application fee for a minimal impact new mine application is \$350. A \$250 annual fee is required for these operations.
 - An application fee determined in accordance with Subsection A of 19.10.2.201 NMAC is required for regular existing mine applications. A payment determined in accordance with Subsection A of 19.10.2.202 NMAC and Subsection B of 19.10.2.203 NMAC is required for regular existing mine annual fees.

- An application fee determined in accordance with Subsection B of 19.10.2.201 NMAC is required for new mine applications. A payment determined in accordance with Subsection B of 19.10.2.202 NMAC and Subsection B of 19.10.2.203 NMAC is required for new mine annual fees.
- Other fees as outlined in 19.10.2.201 NMAC may be assessed for permit transfers, revisions or variances.

7. Appeal Process

- Appeal to the New Mexico Mining Commission.
- Appeal to the District Court.

E. ADMINISTERING AGENCY

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 Energy, Minerals and Natural Resources Department
 Wendell Chino Building
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 Fax: (505) 476-3402

www.emnrd.state.nm.us/MMD/MARP/MARPMainPage.htm

2.1.6. MINE REGISTRATION, REPORTING AND SAFEGUARDING PROGRAM – MINE REGISTRATION

INTRODUCTION

The Mining and Minerals Division (MMD) of the New Mexico Energy, Minerals and Natural Resources Department registers all mines (including borrow pits and sand and gravel mines), mills, concentrators and smelters prior to start-up of the mining operation. The purpose of this registration is to inform MMD of the location, operator, commodity and type of operation. Annual production, sales, and employment data are collected annually from registrants for MMD's use in evaluating extractive industry trends. Production information for individual operators is held confidential in accordance with state law. Permanent or temporary closures, reactivations, and safeguarding after operation closure are also required to be reported. Additionally, any changes in the original registration, such as change in owner or operator, must be reported.

A. NAME OF PERMIT OR APPROVAL

- Mine Registration (Form 1). (S)
- Change of Registration, Ownership, or Operator (Form 2). (S)
- Annual Mine Reporting (Forms 3 – 11 depending on commodity). (S)

- Notice of Intention to Suspend Operations, which includes a Description of Safeguarding (Form 12). (S)

B. STATUTORY AUTHORITY

- NMSA 1978, §§ 9-5A-4D, 69-5-16, 69-6-1, 69-11-1 through 69-11-3, 69-12-3, 69-12-4, 69-26-1 through 69-26-3, and 69-27-3.

C. TITLE OF REGULATIONS

- 19.7.1 NMAC, Registration and Reporting.
- 19.7.2 NMAC, Safeguarding.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability
 - All aggregate, coal, and non-coal mining, milling and smelting operations.
2. General Requirements
 - Applicant must submit registration forms at operation start-up.
 - Annual report forms due every year by April 30th.
 - Notification of suspension or closure of operations.
3. Submission Requirements
 - Mine name and address.
 - Operator/Owner.
 - Name of person in charge.
 - Type of mine, and commodity produced.
 - Location map and legal description.
 - Annual production and sales value.
 - Mine employment and explosives information.
 - Description and value of improvements made during the year.
 - Method of extraction (underground, open-pit, leach, etc.).
 - Production by mineral estate classification (federal, state, private and/or Indian).
 - Other requirements, as applicable.
4. Procedures for Obtaining Permit or Approval
 - Applicant submits registration form at start-up and annual reporting form by April 30th of each year to MMD. Notice of Intention to suspend operations is submitted to MMD, which includes a description of safeguarding procedures, materials, final slopes and timetable for completion. Based on the information the operation is prioritized for a field inspection. If field inspection indicates approved safeguarding no further action is required.
5. Operations Requirements
 - Applicant must comply with 19.7.1 NMAC and 19.7.2 NMAC.
6. Fees
 - None.

- Possible fine of up to \$200 for each unlawful act, or imprisonment, or both for non-compliance.

7. Appeal Process

- For penalties, state judicial appellate process.

E. ADMINISTERING AGENCY

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Santa Fe, NM 87505

Phone: (505) 476-3400

Fax: (505) 476-3402

www.emnrd.state.nm.us/MMD/MRRS/MineRegistration.htm

2.2. OIL CONSERVATION DIVISION

2.2.1. DISTRICT OFFICES – OIL, NATURAL GAS, AND GEOTHERMAL RESOURCES PERMITS

INTRODUCTION

The Oil Conservation Division (OCD) of the New Mexico Energy, Minerals and Natural Resources Department has responsibility for issuance of permits pertaining to the drilling, development and production of oil, natural gas and geothermal resources under the authority of the Oil and Gas Act, Geothermal Resources Act and Water Quality Act. The purpose of these permits is to prevent waste and protect correlative rights, and to protect oil, gas, potash, geothermal water or other fresh waters. A publication titled "Rules and Regulations" summarizes these requirements and is available from the OCD.

A. NAME OF PERMIT OR APPROVAL

- Various permits and titles for drilling, production, transportation, storage, enhanced recovery, disposal of co-produced fluids, and related activities relative to oil, natural gas, carbon dioxide and geothermal resources. (S, F)

B. STATUTORY AUTHORITY

- Oil and Gas Act, NMSA 1978, §§70-2-1 et seq.
- Geothermal Resources Conservation Act, NMSA 1978, §71-5-1 et seq.

C. TITLE OF REGULATIONS

- 19.15 NMAC, Oil and Gas.
- 19.14 NMAC, Geothermal Power.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Applicant submits application on appropriate OCD forms, or in accordance with appropriate rules, to OCD.
- Administrative and technical review by OCD staff.
- Final approval by OCD.
- Compliance of application with appropriate rules and policy.
 1. Applicability
 - Activities relative to oil, natural gas, carbon dioxide and geothermal resources such as drilling, transportation of crude product, fluid disposal, production, storage and enhanced recovery.
 2. General Requirements
 - Each of the permits must be obtained prior to initiation of the applicable activity.

3. Submission Requirements
 - Various specific requirements for each permit are included in Rules and Regulations and appropriate policy memoranda.
4. Procedures for Obtaining Permit or Approval
 - Vary according to each permit.
 - Applicant submits application to applicable agency.
 - Applications to drill in conformance with rules may be approved immediately.
 - Applications for administrative orders require a waiting period of 15 to 30 days.
 - Applications for hearing must be published 10 days in advance of the hearing.
 - Time review and approval by applicable agency.
 - Estimated processing time, 4-6 weeks.
5. Operations Requirements
 - Permittees must follow general rules and regulations, any appropriate special pool rules and any special conditions set out in the permit.
6. Fees
 - None.
7. Appeal Process
 - Concerned parties may request a public hearing.
 - A de novo and rehearing process is provided.
 - Further action must be pursued in District Court.

E. ADMINISTERING AGENCY

Director, Oil Conservation Division (S)
Energy, Minerals and Natural Resources Department
Wendell Chino Building
1220 South St. Francis Drive
Santa Fe, NM 87505
Phone: (505) 476-3440
Fax: (505) 476-3462
www.emnrd.state.nm.us/OCD

New Mexico State Director (F)
Bureau of Land Management
U.S. Department of the Interior
1474 Rodeo Road
P.O. Box 27115
Santa Fe, NM 87502-7115
Phone: (505) 438-7400
Fax: (505) 4387426
www.blm.gov/nm/st/en.html

2.2.2. ENVIRONMENTAL BUREAU – EFFLUENT DISCHARGE PLAN

INTRODUCTION

The Oil Conservation Division (OCD) of the New Mexico Energy, Minerals and Natural Resources Department has responsibility for approval of effluent discharge plans under the authority of the Water Quality Act. The purpose of this permit is to prevent discharge of pollutants into underground water supplies, which would cause ground water to be contaminated.

A. NAME OF PERMIT OR APPROVAL

- Effluent Discharge Plan Approval. (S)

B. STATUTORY AUTHORITY

- New Mexico Water Quality Act, NMSA 1978, §§74-6-1 et seq.

C. TITLE OF REGULATION

- 20.6.2.3000 NMAC, Permitting and Ground Water Standards.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Natural gas processors, crude oil refiners, geothermal resource users, brine manufacturing facilities, oil field service companies and users whose operations may result in a directly related effluent shall submit a discharge plan to prevent and remediate ground water contaminated due to oil, gas or geothermal operations. Plans must be submitted in triplicate in accordance with the Water Quality Control Commission Regulations to OCD.
- Final review and approval by OCD.
 1. Applicability
 - This plan approval applies to effluent disposal that may move directly or indirectly into ground waters having total dissolved solids concentrations of 10,000 mg/l or less. (The purpose is to maintain contaminant levels at or below those set out in 20.6.2.3103 NMAC.)
 2. General Requirements
 - New applicants must obtain plan approval prior to initiation of discharge activities unless notified by OCD that a plan is not necessary. Existing facilities must submit plan for approval after OCD notification.
 3. Submission Requirements
 - The comprehensive report should contain complementary charts and diagrams outlining the methodology and processes to be used for disposing of effluent and protection of ground water.
 4. Procedures for Obtaining Permit or Approval
 - Applicant submits notice to submit a discharge plan to OCD.

- Technical review of plan by OCD (60 days).
 - Public notice and comment period (30 days).
 - Public hearing notice, if required (30 days).
5. Operations Requirements
- Applicant must operate in accordance with approved discharge plan.
 - Applicant submits periodic data and results of testing as set forth in each discharge plan to OCD.
 - OCD has the right to inspect the discharge plan facilities and copy records of test data.
6. Fees
- Fees have been assessed since 1991 based upon size of discharge. For further information, contact the OCD Environmental Bureau at (505) 476-3490.
7. Appeal Process
- Discharger files written request to the Director of OCD seeking the Water Quality Control Commission's consideration.
 - Discharger can appeal the Commission's findings to the Court of Appeals under NMSA 1978, §74-6-5.

E. ADMINISTERING AGENCY

Chief, Environmental Bureau (S)
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Phone: (505) 476-3440
Fax: (505) 476-3462
www.emnrd.state.nm.us/OCD

2.3. FORESTRY DIVISION

2.3.1. ENVIRONMENTAL RESOURCE ASSESSMENT BUREAU – ENDANGERED PLANT SPECIES PERMIT

INTRODUCTION

The Forestry Division (FD) of the New Mexico Energy, Minerals and Natural Resources Department administers the New Mexico Endangered Plant Species Act. The New Mexico endangered plant species list includes species of state concern as well as those considered threatened and endangered by the U.S. Fish and Wildlife Service. The FD issues permits for scientific studies and for transplanting purposes. Applications for permits can be obtained from the State Forester.

A. NAME OF PERMIT OR APPROVAL

- Scientific Studies (S) – A permit for collecting for scientific studies may be issued when it is necessary to take specimens from a known location that will generate new, useful knowledge about the plant species. A scientific studies permit will also be issued when it is necessary to take voucher specimens from newly discovered populations of endangered plants.
- Transplantation (S) – A permit for transplanting may be issued to an individual for the purposes of removing plants from the site of land disturbance and transporting and replanting in a new location.

B. STATUTORY AUTHORITY

- New Mexico Endangered Plant Species Act, NMSA 1978, §75-6-1.

C. TITLE OF REGULATION

- 19.21.2 NMAC, Endangered Plant Species List and Collection Permits.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Applications are submitted to FD for approval.
- The State Forester issues permits.
 1. Applicability
 - The permit is required when any species on the New Mexico Endangered Species List is collected or transported. The law is directed toward prohibiting commercial exploitation and limiting scientific collection of endangered plant species. The law does not apply to the destruction of plants during land disturbances, although the Department seeks the cooperation of private industry and state and federal agencies in locating and protecting rare plant species that may be affected by such activities.

2. General Requirements
 - Applicants must demonstrate that they are competent professional biologists with the expertise to perform scientific studies and to conduct surveys of endangered plants. If a transplanting permit is requested, the applicants must demonstrate that they are competent to perform this task.
3. Submission Requirements
 - Documentation of professional qualifications, including education and experience.
 - Purpose and methods of scientific studies.
 - Justification for collection for scientific studies or survey.
 - Justification for transplantation, including site where plants will be taken from and site for relocation.
4. Procedures for Obtaining Permit or Approval
 - Applications are submitted to the State Forester for review of the need for the study and the adequacy of the study or transplantation plan.
 - After review and approval, the State Forester issues the permit.
 - The process may take 3-4 weeks.
5. Operations Requirements
 - A permittee must comply with applicable laws, regulations, and conditions of his permit; a copy of the permit must be carried on the permittee at all times during fieldwork and transportation. The permittee must inform the State Forester of the outcome of the scientific studies, new locations of endangered plant species and of the outcome of transplantations.
6. Fees
 - None.
7. Appeal Process
 - If application for permit is denied, decision can be appealed to the Secretary, EMNRD.

E. ADMINISTERING AGENCY

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Energy, Minerals and Natural Resources Department
P. O. Box 1948
Santa Fe, NM 87504-1948
Phone: (505) 476-3325
Fax: (505) 476-3330
www.emnrd.state.nm.us/FD

3. DEPARTMENT OF GAME AND FISH

3.1. CONSERVATION SERVICES DIVISION

3.1.1. SPECIAL PERMITS – SCIENTIFIC AND EDUCATIONAL PURPOSE AUTHORIZATIONS AND PERMITS FOR THE TAKING OF PROTECTED WILDLIFE

INTRODUCTION

The Conservation Services Division (CSD) of the New Mexico Department of Game and Fish issues authorizations and permits for taking of protected wildlife, including endangered species listed under the New Mexico Wildlife Conservation Act. Consultations regarding the possible existence and potential impacts on threatened or endangered species in the areas affected by mining are encouraged. Applications for permits and other communication should be addressed to the Director of the Department of Game and Fish.

A. NAME OF PERMIT OR APPROVAL

- Scientific Collection Permit (S) – A permit for taking protected wildlife for scientific and/or educational purposes may be issued when it is necessary to take specimens to document occurrences or provide other necessary information.

B. STATUTORY AUTHORITY

- New Mexico Wildlife Conservation Act, NMSA 1978, §§17-2-37 through 17-2-46
- NMSA 1978, Chapter 17 for other protected wildlife.

C. TITLE OF REGULATION

- 19.36.2 NMAC, Taking and Possession of Protected Wildlife for Scientific and Educational Purposes.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability

- The permit is required when any protected wildlife species is taken. “Taking” means the capture, sacrifice, salvage, retention, transport, possession, or the attempted capture, sacrifice, salvage, retention, transport, or possession of protected wildlife. “Protected wildlife” means the following taken under this regulation:
 - All wild species of mammals, birds, reptiles, amphibians, fishes and endangered mollusks and crustaceans taken by any person that is a non-resident of New Mexico.

- The following wild species taken by any person that is a resident of New Mexico: pikas, marmots, and game; furbearing, and endangered mammals; all birds (except rock doves, European starlings, and house sparrows); horned lizards (if sacrificed, retained, and/or transported out-of-state) and endangered reptiles; endangered amphibians; game and endangered fishes; and endangered mollusks and crustaceans.
2. General Requirements
 - None.
 3. Submission Requirements
 - List of qualifications of applicant and subpermittees to conduct the requested activities; a detailed outline of proposed activities including purposes, goals, rational and methodology; information on wildlife to be taken; and disposition of specimens.
 4. Procedures for Obtaining Permit or Approval
 - Applications are submitted to the Director for review of the need for taking.
 - Those requesting educational permits or authorizations should request appropriate application forms and background information from the Director.
 - After review and approval, the Director issues the permit.
 - The process may take up to 6 weeks.
 5. Operations Requirements
 - A permittee must comply with applicable laws, regulations and conditions of his permit.
 6. Fees
 - A \$15 fee is required for all applications except those submitted by federal, state or local government agency employees, departmental contractor, or designated corporation, provided their activities are part of their obligations. The fee is refunded if the proposed activities are not authorized.
 7. Appeal Process
 - None.

E. ADMINISTERING AGENCY

Chief, Conservation Services Division (S)
New Mexico Department of Game and Fish
P.O. Box 25112
Santa Fe, NM 87504
Phone: (505)476-8101
Fax: (505) 476-8128
www.wildlife.state.nm.us

U.S. Fish and Wildlife Service (F)
U.S. Department of the Interior
P.O. Box 1306
Albuquerque, NM 87103-1306
Phone: (505)248-6878
Fax: (505) 248-6674
www.fws.gov/southwest/newmex.html

4. ENVIRONMENT DEPARTMENT

4.1. WATER AND WASTE MANAGEMENT DIVISION

4.1.1. GROUND WATER QUALITY BUREAU – GROUND WATER DISCHARGE PERMIT

INTRODUCTION

The Ground Water Quality Bureau (GWQB) of the New Mexico Environment Department has responsibility for issuance of ground water discharge permits, other than those related to production and refinement of oil or natural gas, under the authority of the New Mexico Water Quality Act. Discharge permits related to oil and gas production and refinement are addressed in section 2.2 of this document. The purpose of this permit process is to prevent ground water pollution which could result from discharges of effluent or leachate, and to abate any ground water pollution that occurs at permitted facilities. Discharge permits are required for all discharges of effluent or leachate that may move directly or indirectly into ground water that has an existing concentration of 10,000 mg/l or less of total dissolved solids. Mill tailings, waste rock stockpiles, leach ore stockpiles, as well as other mine facilities, are regulated under this requirement. Additionally, the GWQB has primacy for non-oil and gas related underground injection wells under the Underground Injection Control Program of the federal Safe Drinking Water Act, including injection wells associated with uranium or other subsurface in situ leach mining operations. Authority for brine production wells has been assigned to the Oil Conservation Division.

A. NAME OF PERMIT OR APPROVAL

- Ground Water Discharge Permit. (S)

B. STATUTORY AUTHORITY

- New Mexico Water Quality Act, NMSA 1978, §§ 74-6-1 et seq.
- Regulations are adopted under authority of NMSA 1978, §§74-6-4 and 74-6-5.

C. TITLE OF REGULATION

- 20.6.2 NMAC, Ground and Surface Water Protection.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability

- Discharge of effluent or leachate that may move into ground water.

2. General Requirements
 - Discharger shall file a notice of intent to discharge with the GWQB.
 - The GWQB determines (within 60 days) if a ground water discharge permit is required.
3. Submission Requirements
 - Quantity, quality and flow characteristics of the discharge.
 - Location of discharge.
 - Depth to and total dissolved solids concentration of ground water most likely to be affected.
 - Flooding potential of site.
 - Certain geological and hydrological information.
 - Operational, monitoring, contingency and closure plans.
 - Corrective action plan or abatement plan for existing ground water contamination.
 - Financial assurance plan, if required by the GWQB.
4. Procedures for Obtaining Permit or Approval
 - A discharge permit application is submitted to the GWQB.
 - Within 30 days of deeming an application administratively complete, applicant and GWQB provide notice to the public of submittal of application.
 - Within 60 days of deeming an application technically complete, GWQB makes the proposed approval or disapproval of the application for a Discharge Permit available for public comment for 30 days.
 - Public hearing may be requested during the 30-day public comment period. A hearing will be held if there is substantial public interest.
 - Final review and approval or denial within 30 days after administrative record is deemed complete (i.e., after resolution of public comments received during public comment period or issuance of a final order if a hearing is held). Actual time needed for discharge permit approval is generally proportional to the size and complexity of the discharging facility.
 - The GWQB may, for good cause, allow discharge without an approved permit on a one-time basis for a maximum of 120 days.
5. Operations Requirements
 - Discharger must operate in accordance with the approved discharge permit, including conditions, if any.
6. Fees
 - Fees are assessed based on discharge quantity and type of facility. Please contact Program Manager of the Ground Water Pollution Prevention Section at (505) 827-2945 for further information.

7. Appeal Process

- Discharger may appeal denial or conditions imposed by the GWQB to the New Mexico Water Quality Control Commission under provisions of NMSA 1978, §74-6-5 (O).

E. ADMINISTERING AGENCY

Chief, Ground Water Quality Bureau (S)
Water and Wastewater Division
New Mexico Environment Department
Harold Runnels Building
1190 South St. Francis Drive
Santa Fe, NM 87503
Phone: (505) 827-2918
Fax: (505) 827-2965
www.nmenv.state.nm.us/gwb/gwqbhome.html

4.1.2. HAZARDOUS WASTE BUREAU – HAZARDOUS WASTE MANAGEMENT REQUIREMENT FOR TRANSPORTATION, STORAGE AND DISPOSAL FACILITIES

INTRODUCTION

The Hazardous Waste Bureau (HWB) of the New Mexico Environment Department (NMED) has the responsibility for the regulation of hazardous wastes. The HWB receives its statutory authority from the New Mexico Hazardous Waste Act and, as the state program authorized to implement the federal program, from the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as amended 42 U.S.C. 6901 et seq.

A. NAME OF PERMIT OR APPROVAL

- Hazardous Waste Permit (Treatment, Storage and Disposal). (S)

B. STATUTORY AUTHORITY

- Environmental Improvement Act, NMSA 1978, §§74-1-1 through 74-1-10, specifically §74-1-7.A(13) and §74-1-8.A(13).
- New Mexico Hazardous Waste Act, NMSA 1978, §§74-4-1 et seq.

C. TITLE OF REGULATIONS

- 20.4.1 NMAC, Hazardous Waste Management.
- 20.4.2 NMAC, Hazardous Waste Permit and Corrective Action Fees.
- 20.4.3 NMAC, Annual Hazardous Waste Fees.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability
 - Storage, treatment, and disposal of hazardous wastes in New Mexico.
2. General Requirements
 - Permits must be obtained prior to commencement of site construction, storage, treatment, or disposal of hazardous waste.
- 3a. Submission Requirements: RCRA Permit Application Part A
 - General information regarding the facility such as:
 - Type of application (first, amendment).
 - Name.
 - Location.
 - Contacts.
 - Operator and facility owner information.
 - SIC codes.
 - Existing environmental permits, (include pending permits) under National Pollution Discharge Elimination System (NPDES), Prevention of Significant Deterioration (PSD), RCRA, Underground Injection Control (UIC), Environmental Protection Agency (EPA), 404 and other relevant environmental permits.
 - Nature of business.
 - Process codes and design capabilities.
 - Other processes.
 - Description of hazardous wastes.
 - Topographic map(s).
 - Facility drawing(s).
 - Photograph(s).
 - Certification(s).
- 3b. Submission Requirements: RCRA Permit Application Part B
 - Detailed and site-specific information. This information includes:
 - General description of the facility.
 - Chemical and physical analyses of the hazardous waste and hazardous debris to be handled.
 - Waste analysis plan.
 - Security procedures.
 - Required equipment.
 - Inspection schedule.
 - Contingency plan.
 - Description of procedures, structures, and equipment used.
 - Description of precautions to prevent accidents.

- Traffic patterns and volumes.
 - Facility location information regarding seismic standards, faults and floodplain.
 - Training programs.
 - Closure Plan.
 - Closure and Post-Closure cost estimates.
 - Liability.
 - Proof of financial coverage.
 - Facility-specific topographic map.
 - Ground water monitoring data.
 - Identification of the uppermost aquifer and parameters.
 - Ground water monitoring program.
 - Specific information requirements for hazardous waste management units (containers, tank systems, surface impoundments, waste piles, incinerators, land treatment facilities, landfills, etc.).
4. Procedures for Obtaining Permit or Approval
- Applicant submits permit application to NMED.
 - New hazardous waste management facilities must submit a Part A and Part B permit application, and receive a final effective permit before physical construction is begun.
 - Existing permitted facilities must submit a Part A and Part B permit application 180 days before the expiration date of the effective permit.
 - Public notices and meetings by applicant.
 - Fact sheet.
 - Hearing, if requested, is determined by NMED Cabinet Secretary.
 - Hearings, if required, are held.
 - Final decision.
 - Permit issuance.
5. Operations Requirements
- Applicant must comply with all applicable requirements of the permit, rules and statutes.
 - Closure application, inspection, address of deficiencies, liability, financial assurance for closure and post-closure activities.
6. Fees
- Assessed under New Mexico Hazardous Waste Fee Regulations (20.4.2 NMAC) and Annual Hazardous Waste Fee Regulations (20.4.3 NMAC). Contact the Hazardous Waste Bureau for amounts.

7. Appeal Process

- Administrative Appeals are filed with the Environmental Improvement Board Hearing Clerk and governed by 20.1.5 NMAC, Adjudicatory Procedures - Environment Department.
- Appeals are heard by the New Mexico Court of Appeals.

E. ADMINISTERING AGENCY

Chief, Hazardous Waste Bureau (S)
Water and Waste Management Division
New Mexico Environment Department
2905 Rodeo Park Drive East, Building 1
Santa Fe, NM 87505-6303
Phone: (505) 428-2500
Fax: (505) 428-2567
www.nmenv.state.nm.us/hwb

4.1.3. HAZARDOUS WASTE BUREAU – HAZARDOUS WASTE MANAGEMENT REQUIREMENT FOR HANDLERS

INTRODUCTION

The Hazardous Waste Bureau (HWB) of the New Mexico Environment Department has the responsibility for the regulation of hazardous wastes. The HWB receives its statutory authority from the New Mexico Hazardous Waste Act and, as the state program authorized to implement the federal program, from the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C., §§6901 et seq.).

A. NAME OF PERMIT OR APPROVAL

- Hazardous Waste Handlers (generators, storage, treatment and disposal). (S)

B. STATUTORY AUTHORITY

- Environmental Improvement Act, NMSA 1978, §§74-1-1 through 74-1-10, specifically §74-1-7.A(13) and §74-1-8.A(13).
- New Mexico Hazardous Waste Act, NMSA 1978, §§74-4-1 et seq.

C. TITLE OF REGULATIONS

- 20.4.1 NMAC, Hazardous Waste Management.
- 20.4.3 NMAC, Annual Hazardous Waste Fees.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability

- Treatment, storage, disposal and transport of hazardous wastes in New Mexico.

2. General Requirements
 - Environmental Protection Agency (EPA) identification number must be obtained prior to treatment, storage, treatment, disposal and transport of hazardous waste.
3. Submission Requirements
 - EPA Form 8700-12 – Notification of Regulated Waste Activity with the New Mexico Environment Department.
 - EPA Form 8700-12 provides for information regarding the activity such as:
 - Name.
 - Location.
 - Installation mailing address.
 - Installation contacts.
 - Ownership.
 - Type of regulated waste activity.
 - Description of hazardous waste.
4. Procedures for obtaining permit or approval
 - Applicant submits EPA form 8700-12 to HWB.
 - Obtain EPA Identification Number from HWB.
5. Operations Requirements
 - Handler must comply with all applicable requirements of the rules and statutes.
 - Inspection, address deficiencies.
6. Fees
 - Assessed under the New Mexico Annual Hazardous Waste Fee Regulations (20.4.3 NMAC). Contact the Hazardous Waste Bureau for amounts.
7. Appeal process
 - Administrative appeals are filed with the Environmental Improvement Board Hearing Clerk and governed by 20 NMAC 1.5, Adjudicatory Procedures - Environment Department.

E. ADMINISTERING AGENCY

Chief, Hazardous Waste Bureau (S)
Water and Waste Management Division
New Mexico Environment Department
2905 Rodeo Park Drive East
Building 1
Santa Fe, NM 87505-6303
Phone: (505) 428-2500
Fax: (505) 428-2567
www.nmenv.state.nm.us/hwb

4.2. WATER AND WASTEWATER INFRASTRUCTURE DEVELOPMENT DIVISION

4.2.1. DRINKING WATER BUREAU – DRINKING WATER REGULATIONS

INTRODUCTION

Environmental Improvement Board promulgates the Drinking Water Regulations. The Drinking Water Bureau of the New Mexico Environment Department (NMED) has the responsibility for enforcing the regulations under the authority of the Environmental Improvement Act and the federal Safe Drinking Water Act. The regulations cover maximum contaminant levels (MCLs) allowed in water, reporting, public notification, record-keeping requirements and water supply construction requirements.

A. NAME OF PERMIT OR APPROVAL

- Approval of construction of a new public water supply system or modification of an existing public water supply system. (S)

B. STATUTORY AUTHORITY

- Environmental Improvement Act, NMSA 1978, §§74-1-1 through 74-1-10.
- Rural Infrastructure Act, NMSA 1978, §§75-1-1 et seq.
- Sanitary Projects Act, NMSA 1978, §§3-29-1 et seq.

C. TITLE OF REGULATIONS

- 20.7.10 NMAC, Drinking Water.
- 20.7.2 NMAC, Rural Water Supply Infrastructure.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability
 - Prior approval by NMED is required for construction of any new public water supply system and modification of an existing system, pursuant to 20.7.10.500 NMAC.
2. General Requirements
 - Application must be submitted on the form provided by the NMED with all required information.
3. Submission Requirements
 - Applicant must include the application form, the engineering design summary, disinfection plan, water system capacity development information (when applicable), an inventory of existing and planned sources of actual and potential contamination located within 1,000 feet of a proposed water source and one (1) set of complete plans and specifications for the project signed and sealed by a professional engineer registered in New Mexico.

- NMED engineers must review and approve the applicant’s submissions for sanitary purposes and compliance with the regulations. NMED review does not address the adequacy, feasibility, cost effectiveness or economics of the project.
 - Applications for new community water systems must include documents demonstrating that the public water system has sufficient technical, managerial and financial capacity. Topics the documentation should address include certified operator(s), testing equipment required to meet regulatory treatment techniques, ownership accountability, staffing and organization, revenue sufficiency, credit worthiness and fiscal management.
 - The supplier of water shall submit record or as-built plans and certification of project completion to the department within ninety days after completion of the project.
4. Procedures for Obtaining Permit or Approval
- Applicant submits application to NMED at least 30 days prior to initiation of construction or modification. NMED must approve, approve subject to conditions, or deny the application within 30 days after filing.
5. Operations Requirements
- Applicant must demonstrate that the proposed water system will comply with MCLs stated in the current Drinking Water Regulations before the system will be used as a potable water source or for sanitary purposes.
 - All operations of a public water system must comply with 20.7.10.400 NMAC, including complying with the utility operator certification requirements in the Utility Operator Certification Act, NMSA 1978, §§61-33-1 et seq.
 - All water quality sampling must comply with the requirements in 20.7.10.500 NMAC.
6. Fees
- None.
7. Appeal Process
- All appeals must be made with the NMED Cabinet Secretary, as defined in Subpart I of the current Drinking Water Regulations.

E. ADMINISTERING AGENCY

Chief, Drinking Water Bureau (S)
 Water and Wastewater Infrastructure Division
 New Mexico Environment Department
 525 Camino de los Marquez, Suite 4
 Santa Fe, NM 87505
 Phone: (505) 827-7536
 Fax: (505) 827-7545
www.nmenv.state.nm.us/dwb

Chief, Construction Programs Bureau (S)
New Mexico Environment Department
Water and Wastewater Infrastructure Division
Harold Runnels Building
1190 St. Francis Drive
Santa Fe, NM 87503
Phone: (505) 827-2806
Fax: (505) 827-2837
www.nmenv.state.nm.us/cpb/cpbtop.html

4.3. ENVIRONMENTAL HEALTH DIVISION

4.3.1. RADIATION CONTROL BUREAU – RADIOACTIVE MATERIAL LICENSURE AND INFORMATION ABOUT LICENSING OF SOURCE MATERIAL EXTRACTION

INTRODUCTION

The Radiation Control Bureau (RCB) of the New Mexico Environment Department (NMED) has responsibility for issuing and regulating radioactive material licenses under the authority of the Radiation Protection Act. The RCB, in accord with New Mexico's 1974 agreement with the United States Nuclear Regulatory Commission (NRC), regulates uses of radioactive materials in New Mexico. Protection of public and employee health and safety is ensured through radioactive material licensing and inspection to assure conformance with the requirements of the New Mexico Radiation Protection Regulations. Licensing and regulation of all new and most existing uranium and thorium extraction operations is under the jurisdiction of the NRC. Parties interested in obtaining a uranium extraction license are directed to the contacts and addresses listed under Part E, Administering Agency.

A. NAME OF PERMIT OR APPROVAL

- Uranium and Thorium Ion Exchange Extraction License. (S, F)
- Radioactive Material License. (S)

B. STATUTORY AUTHORITY

- Uranium Mill Tailings Radiation Control Act (UMTRCA) 1978 USC 790. (F)
- Radiation Protection Act, NMSA 1978, §§74-3-1 through 74-3-16. (S)

C. TITLE OF REGULATIONS

- 10 CFR (F).
- 20.3 NMAC, New Mexico Radiation Protection Regulations. (S)

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Applicant submits application, and applicable fees, along with a radiation safety program and environmental impact reports, if required, to the RCB.
- The Bureau will analyze the license application carefully. During this analysis, the application will be carefully reviewed to ensure that there are no deficiencies and that the content of the application is found to be acceptable. Once it has been determined that the applicant is qualified and that there is no reason to believe that the operation will violate any laws or regulations, the RCB will issue a radioactive material license.

1. Applicability
 - Requests to possess, process, handle, and/or utilize licensable quantities of source material not regulated by the NRC; quantities of special nuclear material not regulated by the NRC; reactor produced byproduct materials; accelerator produced byproduct materials; radioactive materials offered for transport; and low level radioactive waste.
2. General Requirements
 - Completed application form in the format required or provided by the RCB.
 - Proof that the applicant's radiation protection program is adequate to ensure compliance with the New Mexico Radiation Protection Regulations (NMRPR).
 - Must provide all necessary information deemed necessary by the RCB to process the application.
3. Submission Requirements
 - Provide complete description of intended operations.
 - Qualifications of individuals responsible for oversight of the license. The RCB may also require the qualifications of users.
 - Radiation protection program content and proposed methods for implementation. Must include an assessment of probable radiation doses to workers, the public, and the environment.
 - Emergency and/or decommissioning plans when required by the NMRPR.
 - Environmental reports as required by applicable regulations describing:
 - Proposed operation, including operational and emergency procedural manuals.
 - Site selection.
 - Alternatives.
 - Radiological impacts.
 - Non-radiological impacts.
4. Procedures for Obtaining Permit or Approval
 - Applicant submits application containing information required to RCB.
 - The Bureau conducts a pre-acceptance review.
 - 60-day public notice is required for all radioactive material license applications.
 - The RCB has 60 days to respond on adequacy and sufficiency of information.
 - Public comment period and public hearing process if there is significant public interest.
 - Site inspections during review process.
 - Estimated processing time is less than 2 months for most actions.
5. Operations Requirements
 - For major licensing actions, pre-operation inspection.

- Prioritized periodic inspections, annually for major facilities.
 - Periodic reports of monitoring.
 - Compliance with regulation standards.
 - Demonstration of compliance.
 - License renewal each 5 years.
6. Fees
- Annual fees range from \$20,300 to \$87,000.
 - Additional fees apply for processing of new applications. Contact the RCB for information.
7. Appeal Process
- Appeal to Cabinet Secretary of the Environment Department, Environmental Improvement Board, and Courts.

E. ADMINISTERING AGENCY

Chief, Radiation Control Bureau (S)
 Environmental Health Division
 New Mexico Environment Department
 Harold Runnels Building
 1190 St. Francis Drive
 Santa Fe, NM 87505
 Phone: (505) 476-3236
 Fax: (505) 476-3232
www.nmenv.state.nm.us/nmrcb/home.html

For Licensing:
 Chief, Fuel Cycle Licensing Branch (F)
 Office of Nuclear Material Safety and Safeguards
 Nuclear Regulatory Commission - Region IV
 Washington, DC 20555-0001
 Phone: (301) 415-7000
www.nrc.gov/materials/fuel-cycle-fac/licensing.html

For Inspections:
 Chief, Nuclear Materials Licensing Branch (F)
 Division of Nuclear Materials Safety
 Nuclear Regulatory Commission - Region IV
 611 Ryan Plaza Drive, Suite 400
 Arlington, Texas 76011-4005
 Phone: (817) 860-8100
www.nrc.gov/about-nrc/organization/rivfuncdesc.html

4.4. ENVIRONMENTAL PROTECTION DIVISION

4.4.1. AIR QUALITY BUREAU – AIR QUALITY PERMITS, PRECONSTRUCTION

INTRODUCTION

The Air Quality Bureau (AQB) of the New Mexico Environment Department (NMED), under the authority of the Air Quality Control Act, issues air quality Construction and Operating Permits. This authority applies to all New Mexico counties except Bernalillo County and Indian Lands.

The AQB administers most Federal Air Programs, which include:

New Source Performance Standards (NSPS),
National Emission Standards for Hazardous Air Pollutants (NESHAPS),
Prevention of Significant Deterioration (PSD),
Title V Operating Permits,
Title III Air Toxics, and
Title IV Acid Rain.

The purpose of the permits is to fulfill Environmental Protection Administration mandates that states develop and implement permitting programs to ensure that air pollution sources meet applicable regulations and will not exceed ambient concentration standards for air pollutants.

A. NAME OF PERMIT OR APPROVAL

- Notice of Intent (NOI) - Department requests emissions information and specific source type for permit type or confirmation of permit necessity. (S)
- Construction Permit - This permit must be approved and issued before construction or modification begins. (S)

B. STATUTORY AUTHORITY

- Air Quality Control Act, NMSA 1978, §§74-2-1 through 74-2-17, specifically, §74-2-7.

C. TITLE OF REGULATIONS

- 20.2 NMAC, Air Quality (Statewide).
 - 20.2.3 NMAC, Ambient Air Quality Standards.
 - 20.2.72 NMAC, Permits (Construction or Modification).
 - 20.2.73 NMAC, Notice of Intent and Emissions Inventory Requirements.
 - 20.2.74 NMAC, Permits Prevention of Significant Deterioration (PSD).
 - 20.2.75 NMAC, Filing and Permit Fees.
 - 20.2.77 NMAC, New Source Performance Standards.

20.2.78 NMAC, National Emission Standards for Hazardous Air Pollutants (NESHAP).

20.2.79 NMAC, Permits Non-attainment Areas (NA).

20.2.82 NMAC, Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants.

D. SUMMARY OF 20.2.72 NMAC, CONSTRUCTION PERMIT PROCESS

- Application packages, including checklist, modeling guidance and fee schedules, must be obtained from the AQB.
- Along with a complete application, dispersion modeling and a \$500.00 application fee must be submitted for consideration.
- If 20.2.72 NMAC is applicable, Public Notice announcement documentation must be provided and construction permit fees paid.
- Applications meeting all requirements will be issued a construction permit with specification of conditions.
- Applications may be denied for a variety of reasons including incompleteness.
 1. Applicability
 - Based on Construction Permit Threshold Requirements.
 - Potential emissions are less than 10 tons per year: no permit required.
 - Potential to emit is more than 10 tons per year but less than 25 tons per year: facility must file a Notice of Intent prior to construction.
 - Potential to emit more than 10 pounds per hour or more than 25 tons per year: 20.2.72 NMAC, Minor source permit required prior to construction or modification.
 - Facilities for which New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants apply, 20.2.72 NMAC, permit required prior to construction or modification.
 - Facilities subject to Prevention of Significant Deterioration (PSD) standards must obtain a PSD permit prior to construction or modification.
 - Facilities with toxic air pollutant emissions above the threshold in 20.2.72 NMAC, a permit is required prior to construction or modification.
 2. General Requirements
 - Affected sources must obtain an Air Quality Permit before beginning construction or modification.
 3. Submission Requirements
 - Completed application and checklist.
 - Dispersion modeling and checklist to show compliance with ambient concentration requirements.
 - \$500.00 application fee.
 - Subsequent fees will be assessed, based on type of permit and emission levels.

4. Procedures for Obtaining Permit or Approval
 - Application submitted to AQB.
 - 30 (+) days completeness review period. Within 30 days of receiving an application, AQB reviews package and notifies applicant of any additional information required to rule the application complete. The completeness review can take as long as applicant requires to provide the missing information.
 - 90-day evaluation period. After the application is ruled complete the AQB has 90 days to evaluate the permit, and issue it or deny it. During the evaluation period a 30-day public comment period is provided.
 - Permit Fee must be paid within 30 days of the invoice. Failure to pay is grounds for permit denial.
5. Operations Requirements
 - Applicant must comply with all applicable emission limit regulations or the emission rates specified in the application, which ever is lower as necessary to meet ambient standards, and any other conditions placed on permit.
 - Performance tests and/or facility inspection may be required within 60 days of full production but not more than 180 days from start-up.
 - The Construction Permit does not require periodic renewal. 20.2.73 NMAC lists the emission inventory requirements.
 - A permit may be cancelled if construction or modification does not begin within 2 years of permit issuance; if construction or modification is suspended for a total of 1 year; or if operation ceases for 5 years.
6. Fees
 - 20.2.75 NMAC, Filing and Permit Fees.
 - Filing Fees are nonrefundable and are deducted from the permit fee.
 - Revision Fees are based on the same schedule as a new permit application.
 - Permit Fees are based on the schedule in the fee regulation, which correlates to the amount of work in processing the application.
 - All facilities issued a permit after March 2, 2001 are subject to an annual fee that changes every year based on the Consumer Price Index. More specific information can be found on the AQB website.
7. Appeal Process
 - 20.2.72.207 NMAC, Permit Decisions and Appeals.
 - Applicants may appeal permit decisions/conditions to the Environmental Improvement Board.
 - Applicants may further appeal that decision to the Court of Appeals.

E. ADMINISTERING AGENCIES

Chief, Air Quality Bureau (S)
Environmental Protection Division
New Mexico Environment Department
1301 Siler Rd., Building B
Santa Fe, New Mexico 87507
Phone: (505) 476-4300
Fax: (505) 476-4375
www.nmenv.state.nm.us/aqb

Chief, State Implementation Plans Section (F)
U.S. Environmental Protection Agency - Region VI
6PD-L, 1445 Ross Avenue
Dallas, Texas 75202-2733
Phone: (214) 655-7242
www.epa.gov/earth1r6/6pd/air/sip/sip.htm

Chief, Air Quality Control Division (C)
Environmental Health Department
City of Albuquerque
11850 Sunset Gardens SW
Albuquerque, New Mexico 87121 ()
Phone: (505) 768-1977
www.cabq.gov/airquality

4.4.2. AIR QUALITY BUREAU – AIR QUALITY PERMITS, OPERATIONS REQUIREMENTS FOR CERTAIN SOURCES

INTRODUCTION

Title V of the 1990 Federal Clean Act Amendments mandates the development of Operating Permit programs in each state. The Environmental Improvement Board reviewed and approved 20.2.70 NMAC (Operating Permits) and 20.2.71 NMAC (Operating Permit Fees) according to the guidelines in the Code of Federal Regulations (40 CFR 70).

- The New Mexico Operating Permit Program (20.2.70 NMAC) applies to major sources and sources which emit substantial amounts of hazardous air pollutants.
- Significant documentation and record-keeping requirements are incorporated in the Operating Permit Program.
- The Operating Permit will specify all regulations and limits, which apply to a source.

- Possible alternate operating scenarios, which could affect the facility, must be identified and detailed.
- No provisions for "Grandfathered Facilities."

A. NAME OF PERMIT OR APPROVAL

- 20.2.70 NMAC, Operating Permit - A much more extensive permit that includes all air quality regulations and standards affecting a source (Title V, Clean Air Act). (S, F)

B. STATUTORY AUTHORITY

- Air Quality Control Act, NMSA 1978, §§ 74-2-1 through 74-2-17.

C. TITLE OF REGULATIONS

- 20.2.70 NMAC, Operating Permits.
- 20.2.71 NMAC, Operating Permit Emission Fees.

D. SUMMARY OF 20.2.70 NMAC, OPERATING PERMIT REQUIREMENTS

- A complete description of the facility.
- Application must identify all standards, regulations or limitations that apply to the facility.
- Application must indicate whether or not the facility is in compliance with all applicable standards, regulations or limitations that apply to the facility.
- A certification of compliance including provisions for continuing demonstrated compliance.
- Non-compliance with any regulation, standard, or limitation requires a Plan/Schedule for achieving compliance.
- The Department shall within 60 days after receiving an application notify the applicant whether the application is complete or incomplete.
- The Operating Permit once issued is valid for 5 years.
 1. Applicability
 - All Major Sources (all facilities which emit more than 100 tons of a criteria pollutant per year). This will be based on the facility's permitted allowable emission conditions or if the facility is not permitted, applicability is based on the potential to emit.
 - All sources which emit or have the potential to emit 10 tons per year of any hazardous air pollutant which has been listed in Section 112 (b) of the Federal Clean Air Act or 25 tons per year of any combination of such hazardous air pollutants.
 - Acid rain sources.
 - As the Environmental Protection Agency brings other Non-major sources into the Federal Operating Permit Program, these sources will be included under 20.2.70 NMAC.

2. General Requirements
 - The owner or operator must submit a timely and complete 20.2.70 NMAC Operating Permit application, which is an expanded form of the 20.2.72 NMAC application.
3. Submission Information - Emissions Information
 - Process Flow Sheets must give a complete description of the components of the facility that are involved in routine operations and emissions of air pollutants.
 - All calculations used to develop the application must be included and referenced.
 - Work practice standards or limitations on the operation of your source.
 - A narrative description of practices employed to minimize emissions during start-up, shut-down and upset.
 - Site diagram indicating the location of all emission elements.
 - Alternative operating scenarios must be identified.
 - A list of Insignificant Activities must be provided for the facility as defined in 20.2.70 NMAC.
4. Procedures for Obtaining Permit or Approval
 - Application will provide a citation and description of all applicable air pollution control requirements, including a verification of the requirements that are applicable to a source and applicable test methods for determining compliance with each applicable requirement, will provide an explanation of any proposed exemptions from otherwise applicable requirements, and will provide specific information necessary to collect any permit fees owed under 20.2.71 NMAC.
- 5a. Operations Requirements - Compliance Information
 - Compliance certification showing whether the facility is or is not in compliance with all applicable requirements at the time the application is submitted and signed by the company's responsible official.
 - Descriptions of all methods used to determine compliance including monitoring, testing, and record-keeping and reporting requirements.
 - Statement of continued compliance with requirements for which it is in compliance at the time of permit application.
 - A schedule for submission of compliance certifications during permit term must be submitted annually unless the applicable requirement or the Department specifies a more frequent period.
 - Enhanced monitoring and compliance certification must be submitted indicating your source's compliance status with any enhanced monitoring and compliance certification requirements of the federal act.
- 5b. Operations Requirements - Compliance plan and schedule
 - This group applies only to facilities which are not in compliance with all applicable requirements.

- Compliance Plan must be submitted with a description of the means by which your facility will achieve compliance with applicable requirements with which it is not in compliance at the time you submit your permit application package.
- A compliance schedule of the measures you plan to take to achieve compliance with applicable requirements for your source.
- Schedule of certified progress reports must also be included in the compliance schedule. Proposed schedule must call for these reports to be submitted at least every six (6) months.

6. Fees

- Operation permit fees will be assessed for a major source as defined in 20.2.70 NMAC, Operating Permits for all emission units.
- For all other stationary sources, for emission units which cause the source to be subject to 20.2.70 NMAC.
- The fee rate for each pollutant is \$18.00 per ton on an annual basis and changes every year based on the Consumer Price Index. More specific information can be found on the Air Quality Bureau's website.
- The fee for each Hazardous Air Pollutant is \$165.00 per ton on an annual basis for any stationary source that is only major as defined in 20.2.70 NMAC for any hazardous air pollutant.

E. ADMINISTERING AGENCIES

Chief, Air Quality Bureau (S)
 Environmental Protection Division
 New Mexico Environment Department
 1301 Siler Rd., Building B
 Santa Fe, New Mexico 87507
 Phone: (505) 476-4300
 Fax: (505) 476-4375
www.nmenv.state.nm.us/aqb

Chief, State Implementation Plans Section (F)
 U.S. Environmental Protection Agency - Region VI
 6PD-L, 1445 Ross Avenue
 Dallas, Texas 75202-2733
 Phone: (214) 655-7242
www.epa.gov/earth1r6/6pd/air/sip/sip.htm

Chief, Air Quality Control Division (C)
 Environmental Health Department
 City of Albuquerque
 11850 Sunset Gardens SW
 Albuquerque, New Mexico 87121
 Phone: (505) 768-1977
www.cabq.gov/airquality

4.4.3. SOLID WASTE BUREAU – NEW MEXICO SOLID WASTE RULES

INTRODUCTION

The Solid Waste Bureau of the New Mexico Environment Department (NMED) oversees solid waste management (including special wastes such as asbestos, ash, and infectious waste) under the authority of the New Mexico Solid Waste Act, and the federal Resource Conservation and Recovery Act (RCRA) subtitle D provisions for municipal solid waste landfills.

A. NAME OF PERMIT OR APPROVAL

- Solid Waste Facility Permit (transfer 240 cubic yards per day or greater, processing, transformation, disposal, composting and recycling centers that accept solid waste). (S)
- Registration (collection centers, recycling facilities that do not accept solid waste, commercial and special waste haulers, and composting facilities. (S)

B. STATUTORY AUTHORITY

- New Mexico Solid Waste Act, NMSA 1978, §§74-9-1 et seq.

C. TITLE OF REGULATION

- New Mexico Solid Waste Rules, 20.9.2 through 20.9.10 NMAC.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability
 - Transfer, processing, transformation, recycling, composting or disposal of solid wastes.
2. General Requirements
 - Solid waste permits must be obtained prior to construction and operation of transfer, processing, transformation and disposal facilities. Existing registered facilities must attain a solid waste facility permit.
 - 20.9.2.11 NMAC allows for on-site disposal of domestic waste and construction and demolition waste under certain conditions.
3. Submission Requirements
 - Demonstration of compliance with site restrictions. Applies to water supply wells, wetlands, watercourses, flood plains, depth to ground water, sinkholes, seismic impact areas, airports, alluvial fans and existing homes or institutions.
 - Topographic maps.
 - Detailed operations and development plans.
 - Characterization of geology and hydrology and demonstration of protection of the ground water and surface water.

- Drainage and erosion control plans.
 - Control equipment plans (liners, leachate collection systems, methane, landfill gas collection systems and site covers).
 - Monitoring Plans (methane gas and ground water).
 - Closure & post closure care plans, may include monitoring for up to 30 years after closure.
 - Financial assurance to take care of closure, post closure, assessment monitoring, and selection of any corrective action.
 - Submittal of appropriate application fee(s).
 - Disclosure statement.
4. Procedures for Obtaining Permit or Approval
- Application on NMED form.
 - NMED determination of completeness.
 - Public notice and hearing on each application.
 - Permit issuance or denial, or issuance with conditions.
5. Operations Requirements
- Landfills (including special waste).
 - Transfer stations.
 - Transformation or processing facilities.
 - Recycling facilities.
 - Composting facilities.
 - Commercial haulers.
 - All solid waste facilities are required to have a certified operator.
 - Handling and disposal of special waste (asbestos, municipal, combustion ash, infectious wastes, petroleum contaminated soils, sludge and killing plant offal).
6. Fees
- Specified in 20.9.3.39 NMAC.
7. Appeal Process
- Appeals are heard by the New Mexico Court of Appeals.

E. ADMINISTERING AGENCY

Chief, Solid Waste Bureau (S)
 Environmental Protection Division
 New Mexico Environment Department
 Harold Runnels Building
 1190 St. Francis Drive
 Santa Fe, NM 87503
 (505)827-0197
www.nmenv.state.nm.us/SWB

4.4.4. PETROLEUM STORAGE TANK BUREAU – PETROLEUM STORAGE TANK REQUIREMENTS

INTRODUCTION

The Petroleum Storage Tank (PST) Bureau of the New Mexico Environment Department (NMED) oversees the installation, operation, closure, investigation, and cleanup of sites with Above-Ground Storage Tanks (ASTs) and Underground Storage Tanks (USTs). The PST Bureau's authority is under the New Mexico Hazardous Waste Act, which implements the provisions of federal Resource Conservation and Recovery Act (RCRA) Subtitle I for USTs.

A. NAME OF PERMIT OR APPROVAL

- Tank Fees – Laws 1992 Chapter 64 Senate Bill 425 Amendments to Ground Water Protection Act. (S)
- Tank Registration, Closure, Investigation, Reclamation – Environmental Improvement Board Petroleum Storage Tank Regulations. (S)

B. STATUTORY AUTHORITY

- New Mexico Hazardous Waste Act, NMSA 1978, §§74-4-1 et seq.
- Ground Water Protection Act, NMSA 1978, §§74-6B-1 et seq.

C. TITLE OF REGULATION

- 20.5 NMAC, Petroleum Storage Tanks.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability
 - Registration, installation, operation, closure of petroleum storage tank systems, and reporting, investigation and reclamation of releases from storage tanks.
2. General Requirements
 - All existing and new storage tanks must be registered with the PST Bureau. Registration certificates must be placed on-site.
 - Annual tank fees of \$100 per tank must be paid.
 - PST Bureau must be notified 30 days in advance of new tank installation, modification of existing tank systems and tank closure.
 - Corrective action must adhere to the technical standards and timeline in the PST Regulations.
- 3a Submission Requirements: Tank Registration
 - New storage tanks - New Mexico PST Registration Form.
 - Closure – Environmental Protection Agency (EPA) Form 7530.
 - Fees billed annually by PST Bureau.

- 3b. Submission Requirements: Corrective Action
 - Potential impacts.
 - Horizontal extent of soil contamination.
 - Vertical extent of soil contamination.
 - Determination of ground water impact.
 - Extent/magnitude of ground water contamination.
 - Aquifer characteristics.
 - Tier 1 and 2 risk assessment
 - Design and specification of reclamation system.
 - Reports of reclamation progress.
- 4a. Procedures for Obtaining Permit or Approval: Tank Registration
 - Use EPA Form 7530 or PST Registration Form.
 - NMED approval of completeness.
 - New installation and modification by certified tank installer.
- 4b. Procedures for Obtaining Permit or Approval: Corrective Action
 - NMED approval of all investigations.
 - Public notice of reclamation proposal.
 - NMED approval of reclamation.
- 5. Operations Requirements
 - Storage tanks, in accordance with the PST Regulations.
 - Reclamation systems, in accordance with the PST Regulations.
- 6. Fees
 - \$100 per tank annually.
- 7. Appeal Process
 - Administrative Review allowed in Part X of the PST Regulations.
 - Informal review by reviewing officer.
 - Appeal of informal review by NMED Cabinet Secretary or designate.

E. ADMINISTERING AGENCY

Chief, Petroleum Storage Tank Bureau (S)
 Environmental Protection Division
 New Mexico Environment Department
 1301 Siler Rd., Building B
 Santa Fe, NM 87507
 Phone: (505) 476-4397
 Fax: (505) 984-1738
www.nmenv.state.nm.us/ust/ustbtop.html

4.4.5. OCCUPATIONAL HEALTH AND SAFETY BUREAU – OCCUPATIONAL HEALTH AND SAFETY REGULATIONS

INTRODUCTION

The Occupational Health and Safety Bureau of the New Mexico Environment Department (NMED) has the responsibility of enforcing the Occupational Safety and Health Act of 1970 within the State of New Mexico. The NMED asserts jurisdiction over all industries in the State that are not subject to the jurisdiction of any federal safety agency other than the federal Occupational Safety and Health Administration (OSHA). In the extraction industries, the Bureau's jurisdiction begins where the Mine Safety and Health Administration (MSHA) jurisdiction ends. Generally, the NMED has jurisdiction over mills and processing plants that are not on a mine property. The specific areas of jurisdiction are outlined in the MSHA/OSHA memorandum of agreement dated 17 April, 1979, printed in the Federal Register (44 Register 22827).

MSHA noise standards applicable to mining or extractive activities may be found in the Code of Federal Regulations 30 CFR 56.5050. Noise may also be regulated on the local government level in New Mexico. Local government agencies may be contacted for information related to noise regulations, if applicable.

A. NAME OF PERMIT OR APPROVAL

- No permits or approval are required.

B. STATUTORY AUTHORITY

- New Mexico Occupational Health and Safety Act, NMSA 1978, §§50-9-1 through 50-9-25. (S)

C. TITLE OF REGULATION

- 11.5.1 NMAC through 11.5.6 NMAC, Occupational Health and Safety Regulations. Incorporated Federal Standards 29 CFR 1910, 1926 & 1928.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability
 - No permits required.
2. General Requirements
 - No general requirements.
3. Submission Requirements
 - No submission requirements.

4. Procedures for Obtaining Permit or Approval
 - No permitting procedures.
5. Operations Requirements
 - All work must be performed in compliance with Occupational Health and Safety regulations outlined in C above in all industries and facilities not subject to direct MSHA jurisdiction.
6. Fees
 - There are no fees, but fines and penalties range up to \$70,000 for each willful violation of the referenced standards.
7. Appeal Process
 - Appeals of Citations and/or penalties are made to the Occupational Health and Safety Review Commission; the appeal process includes both informal review and formal hearing, if necessary.
 - Final orders following formal hearing may be appealed to New Mexico District Courts.

E. ADMINISTERING AGENCY

Chief, Occupational Health and Safety Bureau (S)
Environmental Protection Division
New Mexico Environment Department
525 Camino de los Marquez, Suite 3
Santa Fe, NM 87505
Phone: (505) 476-8787
Fax: (505) 476-8734
www.nmenv.state.nm.us/Ohsb_Website

Regional Administrator, Region VI (F)
Occupational Safety & Health Administration
U.S. Department of Labor
525 Griffin Street
Dallas, TX 75202
Phone: 972-850-4145
Fax: (972) 850-4149
www.osha.gov/oshdir/r06.html

5. OFFICE OF THE STATE ENGINEER

5.1. WATER RIGHTS DIVISION

5.1.1. WATER RESOURCE ALLOCATION PROGRAM – PERMIT TO APPROPRIATE PUBLIC SURFACE WATERS

INTRODUCTION

The Water Rights Division of the Office of the State Engineer has responsibility for issuance of permits to appropriate the public surface waters of New Mexico under the authority of NMSA 1978, Chapter 72.

A. NAME OF PERMIT OR APPROVAL

- Permit to appropriate the Public Surface Waters of the State of New Mexico (S).

B. STATUTORY AUTHORITY

- Appropriation and Use of Surface Water, NMSA 1978, §§72-5-1 et seq.

C. TITLE OF REGULATION

- 19.26.2 NMAC, Administration of Surface Water.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability
 - Any person, firm, corporation or any other entity desiring to appropriate for beneficial use any of the surface waters of the State of New Mexico.
2. General Requirements
 - Engineering plans and specifications are required for any dam that exceeds 10 feet in height above the lowest natural ground surface elevation or impounds more than 10 acre-feet of water.
3. Submission Requirements
 - Name of applicant and contact information.
 - Source of supply.
 - Location of point of diversion.
 - The amount of water applied for.
 - The beneficial use to which the water will be applied.
 - Description of works.
 - The place of use for which the water is desired.
 - Period of use.
 - Engineering maps and plans as may be required by the State Engineer.
4. Procedures for Obtaining Permit or Approval
 - Applicant submits application to the Water Rights Division. The date of the filing establishes the original priority date of the application.

- Initial review of the application is performed by staff of the Office of the State Engineer to ensure completeness of the application in form and content.
 - Water Rights Division prepares Notice for Publication. The notice is required to be published once a week for three consecutive weeks in a newspaper that is published and distributed in each county affected by the diversion and in each county where the water will be placed to beneficial use. Such notice gives other water right owners the right to protest if the granting of the application would impair or be to the detriment of the person's water right or if the objector believes that the granting of the application would be contrary to the conservation of water in the State or detrimental to the public welfare of the State.
 - Applicant submits affidavit of publication from newspaper.
 - After the expiration of the time for filing protests, if no protest has been filed, the State Engineer shall, if he finds that there are unappropriated waters available and further finds that the proposed appropriation does not impair existing water rights, is not contrary to the conservation of water within the State, and is not detrimental to the public welfare of the State, grant the application and issue a permit to the applicant to appropriate all or a part of the waters applied for, subject to the rights of all prior appropriators.
 - If a protest has been filed against the application within the time prescribed in the notice, or if the State Engineer is of the opinion that the permit should not be issued, the State Engineer may deny the application without a hearing or, before he acts on the application, may order that a hearing be held.
5. Operations Requirements
- The State Engineer requires Proof of Completion of Works and Proof of Application of Water to Beneficial Use to be filed within a specified period of time, usually four years after the day on which the permit was approved.
 - An Extension of Time to file Proof of Completion of Works or Proof of Application of Water to Beneficial Use may be approved for a period of time not to exceed three years if the applicant shows diligence or if reasonable cause for delay can be shown to the satisfaction of the State Engineer.
6. Fees
- Application to appropriate surface water: \$25.00 plus \$5.00 for each cubic foot per second in excess of the initial 5 cubic feet per second.
 - For examining plans and specifications for a dam: \$10.00 plus \$2.00 for each \$1,000 or fraction thereof of the estimated cost of such dam.
 - Application for extension of time: \$50.00 per permit.
 - Certificate of Construction: \$25.00.
 - License to appropriate: \$25.00 per permit.

7. Appeal Process

- A request to set aside a decision of the State Engineer must be filed within 30 days of receipt of the State Engineer's decision.
- A hearing before the State Engineer is required before a matter may be appealed to District Court. An appeal to District Court must be filed within 30 days of receipt of the State Engineer's decision that is being appealed.

E. ADMINISTERING AGENCY

Water Rights Division - Water Resource Allocation Program (S)

Office of the State Engineer

Bataan Memorial Building, Room 102

P.O. Box 25102

Santa Fe, New Mexico 87504-5102

Phone: (505) 827-6120

Fax: (505) 827-6682

www.ose.state.nm.us/water_info_water_rights.html

5.1.2. WATER RESOURCE ALLOCATION PROGRAM – PERMIT TO APPROPRIATE THE UNDERGROUND WATERS OF THE STATE OF NEW MEXICO

INTRODUCTION

The Water Rights Division of the Office of the State Engineer has responsibility for issuance of permits to appropriate the public underground waters of the State of New Mexico under the authority of NMSA 1978, Chapter 72.

A. NAME OF PERMIT OR APPROVAL

- Permit to appropriate the Underground Waters of the State of New Mexico. (S)

B. STATUTORY AUTHORITY

- Underground Water, NMSA 1978, §§72-12-1 et seq.

C. TITLE OF REGULATION

- 19.27 NMAC, Underground Water.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability

- Any person, firm, or corporation or any other entity desiring to appropriate for beneficial use any of the waters within an underground water basin declared by the State Engineer.

2. General Requirements

- All wells must be drilled in accordance with the State Engineer's rules on well construction, filed under 19.27.4 NMAC.

3. Submission Requirements

- Name of applicant and contact information.
- Name of declared underground water basin.
- Location of the proposed well.
- The amount of water applied for.
- The beneficial use to which the water will be applied.
- Description of proposed works.
- The place of use for which the water is desired.
- If the use is for irrigation, the description of the land to be irrigated and the name of the owner of the land.
- Engineering maps and plans as may be required by the State Engineer.
- For a well to be drilled on land not owned by applicant, the application shall be accompanied by an acknowledged statement executed by the owner of the land that the applicant is granted access across the owner's land to the drilling site and has permission to occupy such portion of the owner's land as is necessary to drill and operate the well.

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to the Water Rights Division. The date of the filing establishes the original priority date of the application.
- Initial review of the application is performed by staff of the Office of the State Engineer to ensure completeness of the application in form and content.
- Water Rights Division prepares Notice for Publication. The notice is required to be published once a week for three consecutive weeks in a newspaper that is published and distributed in each county affected by the diversion and in each county where the water will be placed to beneficial use. Such notice gives other water right owners the right to protest if the granting of the application would impair or be to the detriment of the person's water right or if the objector believes that the granting of the application would be contrary to the conservation of water in the State or detrimental to the public welfare of the State.
- Applicant submits affidavit of publication from newspaper.
- After the expiration of the time for filing protests, if no protest has been filed, the State Engineer shall, if he finds that there are unappropriated waters available and further finds that the proposed appropriation does not impair existing water rights, is not contrary to the conservation of water within the State, and is not detrimental to the public welfare of the State, grant the application and issue a permit to the applicant to appropriate all or a part of the waters applied for, subject to the rights of all prior appropriators.
- If a protest has been filed against the application within the time prescribed in the notice, or if the State Engineer is of the opinion that the permit should not be issued, the State Engineer may deny the application

without a hearing or, before he acts on the application, may order that a hearing be held.

- Application not requiring Notice for Publication: Any person, firm or corporation or the State of New Mexico may apply under NMSA 1978, §§72-12-1.3 for permit to divert up to three acre-feet of ground water for a definite period of time not to exceed one-year for prospecting, mining or drilling operations designed to discover and develop the natural mineral resources of the State of New Mexico. Upon the filing of such an application, the State Engineer shall make an examination of the facts and if he finds that the proposed use will not permanently impair any existing rights of others, he shall grant the application. If impairment is likely, then the State Engineer will require publication of a Notice for Publication.

5. Operations Requirements

- As soon as practicable after completing the well and the application of water to the intended use pursuant to the permit, the applicant shall have prepared and file a Final Inspection and Report of Beneficial Use in triplicate on forms prescribed by the State Engineer.
- An extension of time to file the Final Inspection and Report of Beneficial Use may be approved for a period of time not to exceed three years if the applicant shows diligence or if reasonable cause for delay can be shown to the satisfaction of the State Engineer.

6. Fees

- Application to appropriate ground water: \$25.00 per well.
- Application for extension of time: \$25.00 per permit.
- Certificate of Construction: \$25.00.
- License to appropriate: \$25.00 per permit.

7. Appeal Process

- A request to set aside a decision of the State Engineer must be filed within 30 days of receipt of the State Engineer's decision.
- A hearing before the State Engineer is required before a matter may be appealed to District Court. An appeal to District Court must be filed within 30 days of receipt of the State Engineer's decision that is being appealed.

E. ADMINISTERING AGENCY

Water Rights Division - Water Resource Allocation Program (S)
Office of the State Engineer
Bataan Memorial Building, Room 102
P.O. Box 25102
Santa Fe, New Mexico 87504-5102
Phone: (505) 827-6120
Fax: (505) 827-6682
www.ose.state.nm.us/water_info_water_rights.html

5.1.3. WATER RESOURCE ALLOCATION PROGRAM – MINE DEWATERING PERMIT

INTRODUCTION

The Water Rights Division of the Office of the State Engineer has responsibility for issuance of permits for mine dewatering under the authority of the Mine Dewatering Act. The purpose of the Act is to promote maximum economic development of mineral resources while ensuring that such development does not impair existing water rights. Mine dewatering is neither an appropriation of water nor waste. No water right may be established solely by mine dewatering.

A. NAME OF PERMIT OR APPROVAL

- Mine Dewatering Permit (S).

B. STATUTORY AUTHORITY

- Mine Dewatering Act, NMSA 1978, §§72-12A-1 et seq.

C. TITLE OF REGULATION

- 19.27 NMAC, Underground Water.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability
 - The permit allows for mine dewatering and discharge of the water.
2. General Requirements
 - An applicant must submit a plan for replacement if the proposed mine dewatering will impair any owner of a valid, existing water right.
3. Submission Requirements
 - Mine dewatering plan.
 - Hydrologic and engineering studies showing the effects of the proposed mine dewatering on existing water rights.
 - A plan for replacement explaining how the applicant proposes to mitigate any effects caused by the mine dewatering to valid, existing water rights.
4. Procedures for Obtaining Permit or Approval
 - Applicant submits application to the Water Rights Division.
 - Initial review of the application is performed by staff of the Office of the State Engineer to ensure completeness of the application in form and content.

- The Water Rights Division prepares a Notice for Publication. The notice is required to be published once a week for three (3) consecutive weeks in a newspaper that is published and distributed in each county affected by the diversion and in each county where the water will be placed to beneficial use. Such notice gives other water right owners the right to protest if the granting of the application would impair or be to the detriment of the person's water right or if the objector believes that the granting of the application would be contrary to the conservation of water or detrimental to the public welfare of the State.
 - Applicant submits affidavit of publication from newspaper.
 - If there is no timely protest, the application is considered by the State Engineer based on his record and field investigation.
 - If a protest has been filed against the application within the time prescribed in the notice, or if the State Engineer is of the opinion that the permit should not be issued, the State Engineer may deny the application without a hearing or, before he acts on the application, may order that a hearing be held.
5. Operations Requirements
- Conditions to be set by the State Engineer to ensure that the mine dewatering does not impair any owner of valid, existing water rights.
6. Fees
- Application fee is \$25.00 per point of diversion.
7. Appeal Process
- A request to set aside a decision of the State Engineer must be filed within 30 days of receipt of the State Engineer's decision.
 - A hearing before the State Engineer is required before a matter may be appealed to District Court. An appeal to District Court must be filed within 30 days of receipt of the State Engineer's decision that is being appealed.

E. ADMINISTERING AGENCY

Water Rights Division - Water Resource Allocation Program (S)
 Office of the State Engineer
 Bataan Memorial Building, Room 102
 P.O. Box 25102
 Santa Fe, New Mexico 87504-5102
 Phone: (505) 827-6120
 Fax: (505) 827-6682
www.ose.state.nm.us/water_info_water_rights.html

5.1.4. WATER RESOURCE ALLOCATION PROGRAM – MINE DRILL HOLES THAT ENCOUNTER WATER

INTRODUCTION

Approval of drill hole plugging is required by the Water Rights Division of the Office of

the State Engineer to ensure that water encountered during drilling activities is confined to the aquifer in which it was encountered.

A. NAME OF PERMIT OR APPROVAL

- Approval of Drill Hole Plugging (S).

B. STATUTORY AUTHORITY

- NMSA 1978, §69-3-6.

C. TITLE OF REGULATIONS

- 19.27.4.36 NMAC, Well Driller Licensing; Construction, Repair and Plugging of Wells.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability
 - Any person drilling a mine drill hole that encounters a water bearing stratum shall plug that hole in accordance with 19.27.4 NMAC within 30 days of encountering the water bearing stratum.
2. General Requirements
 - Within thirty (30) days after the date of the discovery of water, a well record shall be filed in accordance with Subsection K of 19.27.4.29 NMAC.
 - If artesian water is encountered in the process of drilling a mine drill hole, the drill hole shall be constructed or plugged in accordance with 19.27.4.31 NMAC.
3. Submission Requirements
 - Name of responsible party and contact information.
 - Location and depth of the hole.
 - Well record.
 - Method and materials used in plugging the hole.
4. Procedures for Obtaining Permit and Approval
 - Within 90 days from date of discovery, the responsible party shall report to the State Engineer and the Director of the State Bureau of Geology and Mineral Resources the location and depth of the hole and the method and material used in plugging the hole. The report shall be on a form prescribed by the State Engineer.
5. Operations Requirements
 - Failure to comply is subject to a fine (NMSA 1978, §69-3-9).
6. Fees
 - None.
7. Appeal Process
 - Administrative decision is subject to a hearing before the State Engineer and his decision may be appealed to the District Court.

E. ADMINISTERING AGENCY

Water Rights Division - Water Resource Allocation Program (S)
Office of the State Engineer
Bataan Memorial Building, Room 102
P.O. Box 25102
Santa Fe, New Mexico 87504-5102
Phone: (505) 827-6120
Fax: (505) 827-6682
www.ose.state.nm.us/water_info_water_rights.html

5.1.5. WATER RESOURCE ALLOCATION PROGRAM – LICENSE FOR WATER WELL DRILLERS

INTRODUCTION

The Water Rights Division of the Office of the State Engineer has responsibility for issuance of license for water well drillers under the authority of NMSA 1978, Chapter 72. The purpose of this license is to regulate the drilling of water wells within underground water basins declared by the State Engineer.

A. NAME OF PERMIT OR APPROVAL

- Water Well Driller's License (S).

B. STATUTORY AUTHORITY

- NMSA 1978 §§72-12-12 et seq.

C. TITLE OF REGULATION

- 19.27.4 NMAC, Well Driller Licensing; Construction, Repair and Plugging of Wells.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability
 - Only those persons with a valid water well driller's license issued by the State Engineer may drill for underground water in New Mexico.
2. General Requirements
 - A well driller's license is valid for a 2-year period.
3. Submission Requirements
 - Applicant's name and contact information.
 - Proof of passing the National Ground Water Association general exam and appropriate methodology exam(s).
 - Type of wells to be drilled.
 - Statement of qualifications (have at least two (2) years of relevant, on-site experience working under the supervision of a licensed well driller).

- References.
 - Description of each drilling rig including photograph of rig's side view.
 - Well driller's bond.
4. Procedures for Obtaining Permit or Approval
- Applicant submits application on a form prescribed by the State Engineer accompanied by a filing fee of \$50.00 and a bond - with surety approved by the State Engineer - in the amount of \$5,000.
 - Applicant submits proof of general liability insurance in the minimum amount of three hundred thousand dollars (\$300,000) and proof of appropriate insurance under the Workers' Compensation Act.
 - The application is reviewed by the State Engineer and then acted upon.
5. Operations Requirements
- A licensed well driller shall ensure that the well drilling activities associated with the drilling of non-artesian wells are made in accordance with 19.27.4.29 NMAC.
 - A well driller may only drill, deepen, repair, or clean a well within New Mexico when the owner of such well has a valid permit from the State Engineer for the work to be performed.
 - The well driller shall keep a log of each well drilled, repaired, deepened, cleaned, or plugged, making a current record as the work progresses. A complete and properly executed well record, on a form prescribed by the State Engineer, shall be filed not later than 20 days after completion of the well.
 - Each licensee when drilling in a declared underground water basin must display a card showing his license number and the expiration date of license.
 - During each two year licensing period, a licensed well driller shall complete a minimum of eight continuing education hours approved by the state engineer. The continuing education hours shall relate to well drilling. At least two hours of the continuing education shall be specific to regulatory requirements regarding well drilling in the state of New Mexico.
6. Fees
- \$50.00 application fee.
 - Surety bond in the amount of \$5,000.
 - \$50.00 renewal fee.
7. Appeal Process
- A request to set aside a decision of the State Engineer must be filed within 30 days of receipt of the State Engineer's decision.
 - A hearing before the State Engineer is required before a matter may be appealed to District Court. An appeal to District Court must be filed within 30 days of receipt of the State Engineer's decision that is being appealed.

E. ADMINISTERING AGENCY

Water Rights Division - Water Resource Allocation Program (S)

Office of the State Engineer

Bataan Memorial Building, Room 102

P.O. Box 25102

Santa Fe, New Mexico 87504-5102

Phone: (505) 827-6120

Fax: (505) 827-6682

www.ose.state.nm.us/water_info_water_rights.html

6. COMMISSIONER OF PUBLIC LANDS

6.1. STATE LAND OFFICE

6.1.1. OIL, GAS AND MINERALS PROGRAM – STATE TRUST LAND LEASES AND PERMITS

INTRODUCTION

State Trust Land Leases, administered by the Commissioner of Public Lands of the New Mexico State Land Office, are required of persons desiring to lease State Trust Land for mineral exploration and development activities. The leases provide for controlled development of state property and protection of natural resources of the State of New Mexico. For different types of exploration and prospecting, various permits are required.

Construction Materials leasing is provided below as an example. The requirements for each resource are unique; therefore, contact the Commissioner of Public Lands for detailed information.

A. NAME OF PERMIT OR APPROVAL

- State Trust Land Lease. (S)
(General Mining – Rule 2 (19.10.2 NMAC); Potash Mining – Rule 3 (19.10.3 NMAC); Salt Mining –Rule 4 (19.10.4 NMAC); Industrial Minerals – Rule 5 (19.10.5 NMAC); Coal Mining – Rule 6 (19.10.6 NMAC); Geothermal – Rule 7 (19.10.7 NMAC)
- Various permits for prospecting and exploration. (S)

B. STATUTORY AUTHORITY

- State Trust Land Leasing Statutes, NMSA 1978, §§19-7-1 et seq., 19-8-1 et seq., 19-9-1 et seq., 19-10-1 et seq., 19-11-1 et seq., 19-13-1 et seq.
- 36 Stat. at Large 557, Chapter 310, as amended.

C. TITLE OF EXAMPLE REGULATION

- 19.2.5 NMAC, Relating to leases and permits for various construction materials.

D. SUMMARY OF EXAMPLE APPLICATION PROCESS

1. Applicability

- Persons desiring to lease State Trust Land for mining of construction materials: Caliche, Gypsum, Clay, Sand, Gravel, Stone, Shale, Perlite, Volcanic Deposits and Borrow Dirt.

2. General Requirements

- The application form should contain all the information requested, including the correct legal description of the lands desired for lease, and be signed in the presence of a notary public, by either the individual applying for the lease or a company official authorized to sign for the company applying for the lease.

3. Submission Requirements

- A properly signed and notarized application form with a correct legal description of the tract.
- The required fees and payments (see below).
- A proposed Mine Operations Plan (MOP), which provides a detailed plan for the orderly development of the mineral reserves and describes in detail the plans for carrying out the mining operation, including where and how the mining will be done.
- The MOP developed in coordination with SLO technical staff and approved by the Commissioner of Public Lands will become part of the lease and will be enforceable in the same manner as any other term of the lease.
- A proposed Reclamation Plan (RP), which is developed in coordination with the applicant and Land Office technical staff. Each Reclamation Plan is unique, therefore no form is provided.
- The Land Office requires all surface area that is disturbed as part of a mining operation on State Trust land be reclaimed. Reclamation is to be integrated with the mining and carried out concurrently with mining. The purpose of reclaiming a mining operation site is to protect Trust resources by erosion control, minimizing impacts to adjacent lands, protecting the remaining mineral reserves, limiting the introduction and spread of noxious weeds, revegetating all disturbed areas, and assuring viable post-mining land use.
- A signed Mineral Lease Environmental Questionnaire.
- A plat, drawn to scale, showing the location of the pit or the area to be mined.

4. Procedures for Obtaining Permit or Approval

- Each element of the application package is to be included to ensure a complete application, for both new and renewal applications.

5. Operations Requirements

- Applicant must comply with 19.2.5 NMAC

6. Fees

- The lease application should be accompanied by a check or money order made payable to the Commissioner of Public Lands covering the following:
 - non-refundable application fee of \$50.00,
 - one year's rental payment of \$1.00 per acre, or fraction thereof, (\$40.00

minimum).

- If the lease is not issued, the rental payment will be refunded.
- Surface Improvement Damage/Reclamation bond is due at lease issuance.

7. Appeal Process

- Leases and Permits are issued at the sole discretion of the Commissioner of Public Lands.

E. ADMINISTERING AGENCY

Commissioner of Public Lands (S)

Oil, Gas and Minerals Division

State Land Office

P.O. Box 1148

Santa Fe, NM 87504-1148

Phone: (505) 827-5750

Fax: (505) 827-4739

www.nmstatelands.org

7. DEPARTMENT OF CULTURAL AFFAIRS

7.1. HISTORIC PRESERVATION DIVISION

7.1.1. ARCHAEOLOGICAL PERMIT PROGRAM – PERMITS TO CONDUCT ARCHAEOLOGICAL SURVEYS AND EXCAVATIONS ON LANDS OWNED OR CONTROLLED BY THE STATE OF NEW MEXICO

INTRODUCTION

The Historic Preservation Division (HPD) of the Department of Cultural Affairs has administrative responsibility for the issuance of permits for archaeological investigations (surveys, excavations and monitoring) on land owned, controlled or operated by the State of New Mexico, and in some cases, on private land. The Cultural Properties Review Committee (CPRC) issues permits with the concurrence of the State Historic Preservation Officer and the State Archaeologist to qualified institutions who employ qualified personnel. It is the purpose of the permitting program to ensure the protection, preservation and appropriate treatment of any object of historical, archaeological, architectural or scientific value, or historic or prehistoric ruin or monument situated on such lands.

A. NAME OF PERMIT OR APPROVAL

- Annual Unmarked Human Burial Excavation Permit. (S)
- Individual Unmarked Human Burial Excavation Permit. (S)
- General Permit. (S)
- Project Specific Permit. (S)
- Mechanical Excavation Permit. (S)

B. STATUTORY AUTHORITY

- Cultural Properties Act, NMSA 1978, §§18-6-1 through 18-6-17, specifically §§18-6-5, 18-6-9 through 18-6-11.2.

C. TITLE OF REGULATIONS

- 4.10.8 NMAC, Permits to Conduct Archaeological Investigations on State Land.
- 4.10.11 NMAC, Issuance of Permits to Excavate Unmarked Human Burials in the State of New Mexico.
- 4.10.14 NMAC, Cultural Properties on Private Land and Mechanical Excavation Permits.
- 4.10.15 NMAC, Standards for Survey and Inventory.
- 4.10.16 NMAC, Standards for Excavation and Test Excavation.

- 4.10.17 NMAC, Standards for Monitoring.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- Applicant submits permit application to HPD for initial review for completeness and accuracy of information.
- HPD submits permit application to CPRC for review and approval with the concurrence of the State Historic Preservation Officer and State Archaeologist.
- When State Trust Lands are involved, concurrence of the Commissioner of Public Lands completes the approval process.

1. Applicability

- A General Permit allows the applicant to conduct intensive surveys, test excavation, and monitoring on state land. Archaeological investigations conducted under a general permit on State Trust Land are limited to investigations conducted under contract to an individual, organization or company undertaking exploration, construction, development or other ground-disturbing activities authorized by rights of way, easements, leases or other written permission to enter state trust land issued by the commissioner of public lands.
- Project-specific permits allow an applicant to conduct sample survey, thematic survey or other research surveys; test excavation; and monitoring when the applicant does not have a general permit or the applicant proposes to deviate from the standards outlined in 4.10.15 NMAC, 4.10.16 NMAC, or 4.10.17 NMAC. A project-specific permit is required for the excavation of a site when more than 5% of the site or area of disturbance is proposed during testing or when data recovery of the site is proposed (4.10.16 NMAC).
- It is unlawful for any person or his agent or employee to excavate with the use of mechanical earth-moving equipment an archaeological site for the purpose of collecting or removing objects of antiquity when the archaeological site is located on private land in New Mexico unless the person has obtained a permit issued by the CPRC (4.10.14 NMAC).
- Human burials interred in any unmarked burial ground in the State are accorded the protection of law. If an unmarked human burial is discovered, all work must stop in the immediate vicinity and the local law enforcement and Office of the Medical Investigator (OMI) contacted. If OMI determines the burial is without medical or legal significance, the OMI terminates jurisdiction to HPD. If the burial can not be left in place and protected, an archaeologist with an unmarked human burial excavation permit will be required to excavate the burial. A permit issued by the CPRC is required for the excavation, removal or disturbance of any human burial interred in an unmarked burial ground. An Annual Unmarked Human Burial Excavation Permit provides for the expeditious removal of burials in discovery situations. An Individual Burial Permit is issued by the CPRC to excavate all burials in specific unmarked human burial grounds (4.10.11 NMAC).

2. General Requirements
 - Applicants for a permit must employ qualified supervisory personnel who meet the minimum professional standards as demonstrated by listing on the SHPO Directory of Qualified Supervisory Personnel (see 4.10.8.10 NMAC) for a general or project specific permit. For an unmarked human burial excavation permit, applicants must meet the requirements outlined in 4.10.11 NMAC.
3. Submission Requirements
 - The applicant may obtain permit application forms and instructions for filing the application and attachments from HPD's website, or upon request from HPD. The application will be consistent with rule 4.10.8 NMAC.
4. Procedures for Obtaining Permit or Approval
 - Permit applications submitted to HPD to be reviewed for completeness and accuracy. HPD forwards the completed applications to the CPRC for consideration at the next scheduled meeting.
 - Permit applications are reviewed and approved by the CPRC with the concurrence of the State Archaeologist and State Historic Preservation Officer.
 - For project-specific archaeological investigations on state trust lands, an applicant shall apply simultaneously for a project-specific permit from the CPRC and an associated easement or other written permission from the commissioner of public lands to enter state trust lands.
 - For project-specific archaeological investigations on other state lands, an applicant shall obtain written approval of the work proposed from the state agency and include the approval with the permit application. Approved permits are returned to the applicant by HPD.
5. Operations Requirements
 - Permittees shall comply with all rules and regulations of the state landholding agency relating to the use of land under its ownership or control and with any additional stipulations required by the CPRC, the State Archaeologist or the State Historic Preservation Officer.
 - Permittees shall submit a report on the results of the investigation following the conclusion of fieldwork in conformance with the appropriate regulation for survey, excavation, monitoring, mechanical excavation or human burial excavation.
 - All collections of artifactual material or other objects of antiquity or general scientific interest recovered during the permitted investigation will be deposited at the Museum of New Mexico, unless another repository is approved and stipulated in the permit.
 - Holders of general permits are required to notify the Commissioner of Public Lands if state trust lands are involved, or other appropriate state agency official if other state land is involved, in writing, of the proposed archaeological investigation.

6. Fees

- There are no fees associated with the application of permits to conduct archaeological investigations.
- The Commissioner of Public Lands charges fees for applications, bonding, or other permission to enter State Trust Land. Do not send any fees or payments to the Historic Preservation Division.

7. Appeal Process

- Any applicant whose application is denied or rejected may appeal the decision to the chairman of the CPRC. Upon written receipt of a request for a hearing, the chairman of the CPRC shall notify the Secretary of the Department of Cultural Affairs who shall convene a hearing panel consisting of three individuals deemed qualified by the Secretary.

E. ADMINISTERING AGENCY

Director, Historic Preservation Division (S)
Archaeological Permits Program
Department of Cultural Affairs
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, NM 87501
Phone: (505) 827-6320
Fax: (505) 827-6320
www.nmhistoricpreservation.org/PROGRAMS/permits.html

8. PUBLIC REGULATION COMMISSION

8.1. UTILITY DIVISION

8.1.1. UTILITY CASES PROGRAM –CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

INTRODUCTION

A Certificate of Public Convenience and Necessity administered by the New Mexico Public Regulation Commission, is required of all jurisdictional public utilities desiring to operate, construct or extend any plant or system, except that a certificate is not required for an extension within or to a territory already served by it, necessary in the ordinary course of business, or to a territory contiguous to that already being served and not receiving similar service by any other utility.

A. NAME OF PERMIT OR APPROVAL

- Certificate of Public Convenience and Necessity. (S)

B. STATUTORY AUTHORITY

- Public Utility Act , NMSA 1978, §§62-3-1, et seq., particularly, §§62-9-1 through 62-9-6.

C. TITLE OF REGULATION

- Rules 110, 420 and 440 of the Code of Rules and Regulations of the New Mexico Public Regulation Commission.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability

- A jurisdictional public utility is any person or entity not engaged solely in interstate business who owns, operates or leases a plant, property or facility furnishing gas, electricity, water, steam or wastewater treatment to the public. NMSA 1978, §62-3-3G.
- The Public Regulation Commission does not have jurisdiction over the rates and service standards of municipally-owned utilities unless the municipality elects to come under the Commission's jurisdiction (NMSA 1978, §62-6-5).

2. General Requirements

- A public utility applying for a Certificate of Public Convenience and Necessity must demonstrate that its proposed service is in the public interest and will not result in unnecessary duplication and economic waste.

3. Submission Requirement
 - An application for a Certificate of Public Convenience and Necessity requires a \$25 filing fee to Public Regulation Commission.
4. Procedures for Obtaining Permit or Approval
 - An application for a Certificate of Public Convenience and Necessity must be obtained before the commencement of construction or operation of the proposed plant or system.
 - The utility filing the application must determine whether the requirements of Rule 440 of the Code of Rules and Regulations of the Public Regulation Commission require notification to any other utility, and if so, must serve a copy of the application on such other utility. Failure to provide the required notification may be grounds for dismissal of the application.
 - Upon receipt of the application, the Public Regulation Commission shall set a date for public hearing. Notice of the hearing must be published by the utility. The Public Regulation Commission's Code of Rules and Regulations and the statutory requirements for public hearings shall be applicable. Rule 110; NMSA 1978, §§62-10-1 through 62-10-16.
 - After hearing, the Public Regulation Commission may issue the certificate as requested, or refuse to issue it, or issue it for only a portion of the plant or system requested, and may attach such terms and conditions in harmony with the Public Utility Act as in its judgment the public convenience and necessary require.
5. Appeal Process
 - Appeals from decisions related to Certificates of Public Convenience and Necessity are made directly to the New Mexico Supreme Court. NMSA 1978, §62-11-1.

E. ADMINISTRATIVE AGENCY

Utility Division Director (S)
Public Regulation Commission
Marian Hall
224 E. Palace Avenue
Santa Fe, NM 87501
Phone: (505) 827-6941
Fax: (505) 827-4402
www.nmprc.state.nm.us/ud.htm

8.1.2. UTILITY CASES PROGRAM – LOCATION PERMIT

INTRODUCTION

A Location Permit administered by the New Mexico Public Regulation Commission is required of any person, including a municipality, prior to construction of any plant designed to generate more than 300 MW of electricity or transmission lines designed to operate at

230 kV or more.

A. NAME OF PERMIT OR APPROVAL

- Location Permit (S)

B. STATUTORY AUTHORITY

- Public Utility Act, NMSA 1978, §§62-3-1, et seq., particularly, §§62-9-3.

C. TITLE OF REGULATION

- Rule 110 of the Code of Rules and Regulations of the New Mexico Public Regulation Commission. NMAC 17.1.2.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability
 - Applies to any person.
2. General Requirements
 - Any person, including a municipality, proposing the construction of an electrical plant capable of producing 300,000 kilowatts or more and associated transmission lines of 230 kilovolts or more must apply for approval of the location of such plant and lines. The operation of such facilities must be shown to be in compliance with all existing air and water pollution control standards and regulations, as determined by the Environment Department. NMSA 1978, § 62-9-3.
3. Submission Requirement
 - An application for a Location Permit requires a \$25 filing fee to Public Regulation Commission. The application shall contain all information required by the Commission to make its determination.
4. Procedures for Obtaining Permit or Approval
 - A Location Permit must be obtained before the commencement of construction or operation of the proposed facilities.
 - Upon receipt of the application, the Public Regulation Commission shall set a date for public hearing. The Public Regulation Commission's Rules of Practice and Procedure and the statutory requirements for public hearings shall be applicable. Rule 110; NMSA 1978, §§62-10-1 through 62-10-16.
 - The Commission shall issue its order within 6 months of the filing of the application, but the order may be conditioned upon receipt of all air and water quality permits. The Commission may extend its review period by 10 months for transmission lines to determine if the location of the line will unduly impair environmental values. NMSA 1978, §§62-9-3-I.
5. Appeal Process
 - Appeals from decisions related to Location Permits are made directly to the New Mexico Supreme Court. NMSA 1978, §62-11-1.

E. ADMINISTRATIVE AGENCY

Utility Division Director (S)
Public Regulation Commission
Marian Hall
224 E. Palace Avenue
Santa Fe, NM 87501
Phone: (505) 827-6941
Fax: (505) 827-4402
www.nmprc.state.nm.us/ud.htm

9. STATE MINE INSPECTOR

9.1. BUREAU OF MINE SAFETY

9.1.1. PERMITS & REQUIREMENTS RELATED TO MINE SAFETY

INTRODUCTION

The Bureau of Mine Safety (BMS), a division of New Mexico Tech, regulates emergency notification plans and the certification of coal mine officials. The BMS also provides new miner training and miner retraining required by the Mine Safety and Health Administration (MSHA). For miner training information, please see the BMS website or contact BMS.

A. NAME OF PLAN OR CERTIFICATION

- Surface Coal Mine Foreman Certification. (S)
- Underground Coal Mine Foreman Certification. (S)
- Underground Mine Examiner Certification. (S)
- Emergency Notification Plan. (S, F)

B. STATUTORY AUTHORITY

- Mine accident rapid response system, NMSA 1978, §69-5-22.
- Qualifications and Duties of Coal Mine Officials, NMSA 1978, §§69-14-1 et seq.

C. TITLE OF REGULATION

- 11.8.2 NMAC, Emergency Notification.

D. SUMMARY OF PERMIT/APPROVAL PROCESS

- For Coal Mine Official's certification process, please see BMS website.
- For Emergency Notification Plan, an applicant submits a plan to the State Mine Inspector.
- Plan must be approved by the State Mine Inspector.
 1. Applicability
 - All mines in New Mexico including but not limited to sand and gravel, caliches, potash, coal, metal and industrial minerals.
 2. General Requirements
 - Each plan must be approved prior to initiation of the applicable activity.
 3. Submission Requirements
 - Form is available on the BMS website or contact BMS.
 4. Procedures for Obtaining Permit or Approval
 - Form must be filled out appropriately and submitted for approval.

5. Operations Requirements

- Mines are required to notify the State Mine Inspector through the New Mexico Emergency Operations Center within 30 minutes of an event qualifying as an accident according to Section 69-8-2 NMSA 1978.

6. Fees

- None currently for Emergency Notification Plan, but fees may be assessed in the future; please contact BMS.
- For Coal Mine Officials, there is a \$50 testing fee.

7. Appeal Process

- Appeal to the District Court according to Section 69-6-2 NMSA 1978.

E. ADMINISTERING AGENCY

State Mine Inspector (S)

Bureau of Mine Safety

New Mexico Tech

801 Leroy Place

Socorro, NM 87801

Phone: (575) 835-5460

Fax: (575) 835-5430

New Mexico Mine Accident Emergency Operations Center: 1-866-761-6039

www.bmi.state.nm.us

Manager New Mexico Field Office (F)

Coal Mine Safety and Health District IX

Mine Safety and Health Administration

U.S. Department of Labor

1415 W. Aztec Blvd. Suite 1

Aztec, NM 87410-1899

Phone: (505) 334-4011

Fax: (505) 334-7522

Accident and Emergency Reporting: 1-800-746-1553

www.msha.gov

Manager, New Mexico Field Office (F)

Metal / Nonmetal Mine Health and Safety South Central District

Mine Safety and Health Administration

U.S. Department of Labor

300 San Mateo Boulevard NE, Suite 407

Albuquerque, NM 87108

Telephone: (505) 346-6775

Fax Number: (505) 346-6776

www.msha.gov

10. LOCAL GOVERNMENT LAND USE & NATURAL RESOURCES CONTROL ENABLING LAWS

Local government land use and natural resource enabling laws specifically governing energy project development in New Mexico vary by county or municipality. The New Mexico municipal code contains statutes conferring general ordinance-making authority. These statutes include those on Planning and Platting, NMSA 1978, §§3-19-1 et seq. (1965); Ordinances, NMSA 1978, §§3-17-1 et seq. (1965); Powers of Municipalities, NMSA 1978, §§3-18-1 et seq. (1965); Subdivision Planning and Platting, NMSA 1978, §§3-20-1 et seq. (1979); and Zoning Regulations, NMSA 1978, §§3-21-1 et seq. (1965). Counties have the same powers as municipalities, except for powers that are inconsistent with statutory or constitutional limitations placed on counties; NMSA 1978, §§4-37-1 et seq. (1975). Municipalities and counties may also own and operate gas and electric utilities pursuant to statutory authority. Individual municipalities and counties should be contacted to check for local ordinances, such as, but not limited to, those related to zoning.

Additional information on local government land use and natural resource control enabling laws may be obtained from the following agencies:

New Mexico Municipal League
P.O. Box 846
1229 Paseo De Peralta
Santa Fe, New Mexico 87504
Phone: (505) 982-5573 or 1-800-432-2036
Fax: (505) 984-1392
nmml.org

New Mexico Association of Counties
613 Old Santa Fe Trail
Santa Fe, New Mexico 87505-0308
Phone: (505) 983-2101 or 1-800- 800-333-6438
Fax: (505) 505-983-4396
www.nmcountries.org

BERNALILLO COUNTY

Bernalillo County Courthouse
 One Civic Plaza NW, 10th Floor
 Albuquerque, NM 87102
 Phone (505) 768-4000
 Fax (505) 786-4329
<http://www.bernco.gov/>

DOÑA ANA COUNTY

Dona Ana County Courthouse
 845 North Motel Boulevard
 Las Cruces, NM 88007
 Phone (575) 647-7200
 Fax (575) 647-7304
<http://www.co.dona-ana.nm.us/>

LINCOLN COUNTY

Lincoln County Courthouse
 P. O. Box 711
 Carrizozo, NM 88301
 Phone (575) 648-2385
 Fax (575) 648-4182
<http://www.lincolncountynm.net/>

CATRON COUNTY

Catron County Courthouse
 101 Main Street
 Reserve, NM 87830
 Phone (575) 533-6423
 Fax (575) 533-6433
<https://mylocalgov.com/catroncountynm/>

EDDY COUNTY

Eddy County Courthouse
 101 West Greene Street
 Carlsbad, NM 88220
 Phone (575) 887-9511
 Fax (575) 234-1835
<http://www.co.eddy.nm.us/>

LOS ALAMOS COUNTY

Los Alamos County Courthouse
 P. O. Box 30
 Los Alamos, NM 87544
 Phone (505) 662-8080
 Fax (505) 662-8079
<http://www.lac-nm.us/>

CHAVES COUNTY

Chaves County Courthouse
 #1 St. Mary's Place
 Roswell, NM 88202
 Phone (575) 624-6600
 Fax (575) 624-6631
<http://co.chaves.nm.us/>

GRANT COUNTY

Grant County Courthouse
 1400 East Highway 180
 Silver City, NM 88062
 Ph: (575) 574-0000
 Fax (575) 574-0073
<http://www.grantcountynm.com/>

LUNA COUNTY

Luna County Courthouse
 700 South Silver Avenue
 Deming, NM 88030
 Phone (575) 546-0494
 Fax (575) 544-4293
<http://lunacountynm.us/>

CIBOLA COUNTY

Cibola County Courthouse
 515 West High Street
 Grants, NM 87020
 Phone (505) 287-9431
 Fax (505) 285-5434

GUADALUPE COUNTY

Guadalupe County Courthouse
 1448 Historic Route 66, Suite 2
 Santa Rosa, NM 88435
 Phone (505) 472-3306
 Fax (505) 472-3735

McKINLEY COUNTY

McKinley County Courthouse
 207 West Hill Avenue
 Gallup, NM 87305
 Phone (575) 863-6362
 Fax (575) 863-6362
<http://www.co.mckinley.nm.us/>

COLFAX COUNTY

Colfax County Courthouse
 230 N. Third St.
 Raton, NM 87740
 Phone (575) 445-9661
 Fax (575) 445-2207
<http://www.co.colfax.nm.us/>

HARDING COUNTY

Harding County Courthouse
 35 Pines Street
 Mosquero, NM 87733
 Phone (575) 673-2927
 Fax (575) 673-2922
<http://www.hardingcounty.org/>

MORA COUNTY

Mora County Courthouse
 29 ½ Hwy 518
 Mora, NM 87732
 Phone (575) 387-5279
 Fax (575) 387-9022
<http://www.moravalley.com/>

CURRY COUNTY

Curry County Courthouse
 700 North Main Street, Suite 10
 Clovis, NM 88101
 Phone (575) 763-6061
 Fax (575) 763-3656
<https://mylocalgov.com/currycountynm/>

HIDALGO COUNTY

Hidalgo County Courthouse
 300 South Shakespeare Street
 Lordsburg, NM 88045
 Phone (575) 542-9428
 Fax (575) 542-3414
<http://www.hidalgocounty.org/>

OTERO COUNTY

Otero County Courthouse
 1000 New York Avenue, Room 101
 Alamogordo, NM 88310
 Phone (575) 437-7427
 Fax (575) 443-2904
<http://www.co.otero.nm.us/>

DE BACA COUNTY

De Baca County Courthouse
 514 Avenue C
 Fort Sumner, NM 88119
 Phone (575) 355-2601
 Fax (575) 355-2441

LEA COUNTY

Lea County Courthouse
 100 North Main Street, Suite 4
 Lovington, NM 88260
 Phone (575) 396-8521
 Fax (575) 396-5684
<http://www.leacounty.net/>

QUAY COUNTY

Quay County Courthouse
 300 South 3rd Street
 Tucumcari, NM 88401
 Phone (575) 461-2112
 Fax (575) 461-6208
<http://www.quayco.com/>

RIO ARRIBA COUNTY

Rio Arriba County Courthouse
1122 Industrial Park Road
Española, NM 87532
Phone (505) 753-2992
Fax (505) 753-9397
<http://www.rio-arriba.org/>

SANDOVAL COUNTY

Sandoval County Courthouse
P. O. Box 40
Bernalillo, NM 87004
Phone (505) 867-7500
Fax (505) 867-7600
<http://www.sandovalcounty.com/>

TAOS COUNTY

Taos County Courthouse
105 Albright Street, Suite A
Taos, NM 87571
Phone (575) 737-6300
Fax (575) 737-6314
<http://www.sandovalcounty.com/>

ROOSEVELT COUNTY

Roosevelt County Courthouse
109 West First Street
Portales, NM 88130
Phone (575) 356-5307
Fax (575) 356-8307
<http://www.rooseveltcounty.com/>

SANTA FE COUNTY

Santa Fe County Courthouse
102 Grant Avenue
Santa Fe, NM 87501
Phone (505) 986-6200
Fax (505) 995-2740
<http://www.santafecounty.org/>

TORRANCE COUNTY

Torrance County Courthouse
P.O. Box 48
Estancia, NM 87016
Phone (505) 246-4752
Fax (505) 384-5294
<http://www.torrancecountynm.org/>

SAN JUAN COUNTY

San Juan County Courthouse
100 South Oliver Street, Suite 100
Aztec, NM 87410
Phone (505) 334-9481
Fax (505) 334-3168
<http://www.sjcounty.net/>

SIERRA COUNTY

Sierra County Courthouse
100 North Date Street
Truth or Consequences, NM 87901
Phone (575) 894-6215
Fax (575) 894-9548
<https://www.mylocalgov.com/sierracountynm/>

UNION COUNTY

Union County Courthouse
200 Court Street
Clayton, NM 88415
Phone (575) 374-8896
Fax (575) 374-2763
<http://www.eatmorebeef.net/>

SAN MIGUEL COUNTY

San Miguel County Courthouse
500 West National Avenue, Suite 100
Las Vegas, NM 87701
Phone (575) 425-9333
Fax (575) 425-7019
<http://www.smcounty.net/>

SOCORRO COUNTY

Socorro County Courthouse
210 Park Street
Socorro, NM 87801
Phone (575) 835-0589
Fax (575) 835-4629

VALENCIA COUNTY

Valencia County Courthouse
P. O. Box 1119
Los Lunas, NM 87031
Phone (505) 866-2003
Fax (505) 866-2424
<http://www.co.valencia.nm.us/>

11. FEDERAL PERMIT REQUIREMENTS

In addition to permits issued by the State of New Mexico, certain federal permits may be required for energy and mineral exploration and development operations in New Mexico. This chapter is not intended to be a comprehensive listing of all possible such permits, but merely includes some of the more common requirements. Some of the agencies listed below are also referenced in previous chapters that address state permits when they apply to similar situations.

11.1. BUREAU OF LAND MANAGEMENT AND THE USDA FOREST SERVICE

Obtaining the Right to Explore or Mine on Federal Lands

Exploration and development of energy and minerals are permitted on most federal lands, primarily lands managed by the Bureau of Land Management (BLM) and the Forest Service (USFS). These agencies should be contacted for procedures that apply on their lands. Federal lands normally withdrawn from resource exploration and extraction include National Parks, National Monuments, military reservations, most wildlife protection areas, scientific testing areas, and areas designated as a Wild and Scenic River or within the National Wilderness Preservation System.

There are three different categories of mineral resources on Federal lands. All are classified as either salable, leasable or locatable minerals. Different procedures must be followed to obtain the right to explore for and extract these commodities.

1. **Salable Minerals**

Common varieties of sand, gravel, stone, pumice, pumicite, cinders and clay are salable. However, certain uncommon varieties of these minerals are classified as locatable. Federal mineral examiners determine uncommon varieties on a case-by-case basis. Title 43, Code of Federal Regulations (CFR), Part 3600 regulates disposal of salable minerals from the BLM. Salable minerals on Forest Service lands are managed under 36 CFR 228, Subpart C. Salable minerals require a sales contract, prospecting permit, or a free use permit for exploration and extraction.

2. **Leasable Minerals**

Oil and gas, oil shale, geothermal resources, potash, sodium, native asphalt,

solid and semi-solid bitumen, bituminous rock, phosphate and coal are considered leasable minerals. Sulfur is also leasable in New Mexico and Louisiana. In addition, most hardrock minerals are leasable on "acquired lands." Regulations for leasable minerals are found in 43 CFR 3000-3590 for BLM lands and 36 CFR 228, Subpart E for Forest Service Lands. Leases and/or prospecting permits or licenses must be obtained for these minerals and royalties are paid on commodities produced.

3. Locatable Minerals

Locatable minerals (sometimes known as "hardrock minerals") include metallic minerals such as gold, silver, lead, zinc, copper and some nonmetallic minerals such as gypsum, fluorspar and mica. The law covering locatable minerals is the Mining Law of 1872, as amended. By properly staking and recording a mining claim, a claimant establishes a legal right to prospect for and remove the locatable mineral, subject to applicable surface management rules and regulations. Once claims are staked, and if certain requirements are met such as discovery of a valuable mineral, the claimant may apply for a patent on the claim(s). A patent transfers title from the federal government to the claimant, making it private land. Presently patent applications are not being accepted. Congress has passed a moratorium on new patent applications each year since 1994. Locatable minerals are addressed in 43 CFR 3800-3870 (BLM) and 36 CFR Part 228, Subpart A (Forest Service).

Agency Contacts:

New Mexico State Director (F)
Bureau of Land Management
U.S. Department of the Interior
1474 Rodeo Road
P.O. Box 27115
Santa Fe, NM 87502-7115
Phone: (505) 438-7400
Fax: (505) 4387426
www.blm.gov/nm/st/en.html

Regional Geologist, Lands and Minerals
U.S. Forest Service – Southwest Region
U.S. Department of Agriculture
333 Broadway SE
Albuquerque, NM 87102
Phone: Regional Geologist (505) 842-3158; main number (505) 842-3292
www.fs.fed.us/r3

11.2. U.S. NUCLEAR REGULATORY COMMISSION

The Nuclear Regulatory Commission (NRC) has regulatory authority, in accordance with Title 10 of the Code of Federal Regulations, Part 40, over uranium milling and processing operations in New Mexico, including in situ leach (ISL) uranium recovery. In New Mexico, an NRC issued Source Materials license is required prior to construction and operation of a uranium recovery operation. Further information is available on the NRC's web site.

Agency Contact:

For Licensing:

Chief, Fuel Cycle Licensing Branch (F)
Office of Nuclear Material Safety and Safeguards
Nuclear Regulatory Commission - Region IV
Washington, DC 20555-0001
Phone: (301) 415-7000
www.nrc.gov/materials/fuel-cycle-fac/licensing.html

For Inspections:

Chief, Nuclear Materials Licensing Branch (F)
Division of Nuclear Materials Safety
Nuclear Regulatory Commission - Region IV
611 Ryan Plaza Drive, Suite 400
Arlington, Texas 76011-4005
Phone: (817) 860-8100
www.nrc.gov/about-nrc/organization/rivfuncdesc.html

11.3. U.S. ARMY CORPS OF ENGINEERS

Section 404 of the Clean Water Act requires that anyone proposing to discharge dredged or fill material into waters of the United States, including wetlands, must obtain a permit from the U.S. Army Corps of Engineers (ACE). Waters of the United States include, but are not limited to, oceans, rivers, streams, tributaries, arroyos and even some ditches. Wetlands are generally defined as areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support vegetation adapted for life in saturated soil conditions. Some wetlands are dry during most of the year. The same can be true for some waters of the United States, such as arroyos and ditches. Activities in waters and wetlands for which permits may be required include, but are not limited to: 1) any placement of dredged or fill material; 2) ditching activities when the excavated material is sidecast into waters; 3) levee and dike construction involving fills into waters; 4) landclearing or landleveling involving the discharge of dredged material into waters of the United States or the relocation or channelization of waters; 5) most road construction involving water crossings, and 6) dam construction.

Contact the appropriate ACE District Office for a jurisdictional determination or a determination if the activity requires a Department of the Army permit pursuant to Section 404 of the Clean Water Act.

Agency Contact:

Chief, Regulatory Division
Albuquerque District
U.S. Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, NM 87109-3435
Phone: (505) 342-3282
Fax: (505) 342-3498
www.spa.usace.army.mil/reg/projman.htm

11.4. U.S. ENVIRONMENTAL PROTECTION AGENCY

The National Pollutant Discharge Elimination System (NPDES) program requires a permit for discharge of pollutants from a point source into waters of the United States. These terms are mandated by the Clean Water Act and outlined in 40 CFR Part 122.2. The Environmental Protection Agency (EPA) issues NPDES permits in the six states, including New Mexico, that have not been authorized to issue these permits. "Pollutants" are defined as any material that is added to water, which changes the physical, chemical and/or biological nature of the receiving water. "Waters of the United States" includes most surface waters as well as adjacent wetlands, and also includes intermittent streams and arroyos associated with tributary systems. Permits may also be required for discharges comprised entirely of surface runoff from rainfall events. However, uncontaminated runoff, as spelled out in 40 CFR Part 122.26 (c)(1)(iii) and (iv), from mining operations or oil and gas exploration, production, processing and transmission facilities, that is not associated with construction of those type of facilities, is exempted from permit requirements. An application for a NPDES permit must be filed at least 180 days before the discharge is expected to commence. The EPA will make a final determination as to whether a NPDES permit is required for a particular operation.

Agency Contact:

Chief, NPDES Permits Branch
U.S. Environmental Protection Agency - Region VI
1445 Ross Avenue
Dallas, TX 75202
Phone: (214) 655-6444
www.epa.gov/earth1r6/6wq/npdes/index.htm

12. PERMITS FOR ENERGY AND MINERALS DEVELOPMENT ON INDIAN LANDS

Generally, the State of New Mexico does not have jurisdiction on Indian reservation or Indian allotted lands. Therefore, most of the permits and regulations outlined in this guidebook do not apply to such lands. As with state permits, individual requirements will vary widely depending on the nature and location of the activity. In some cases, the Indian tribes manage leasing, drilling and mining by themselves. However, many have not yet developed their own laws and regulations to handle these activities, and the U.S. Bureau of Indian affairs may be handling these permits.

The eastern portion of the Navajo Nation is popularly called the "checkerboard" because Navajo lands are mingled with fee lands (owned by both Navajo and non-Navajo people) and federal and state lands under various jurisdictions. Development of energy and mineral projects in the Checkerboard can be complex. In all cases, the individual tribal governments or councils should be contacted prior to initiating any activities on Indian lands. Each tribe whose land is involved should be contacted separately. A list of contacts is provided.

Jicarilla Apache Tribe
PO Box 507
Dulce, NM 87528
(575) 759-3242

Pueblo of Jemez
PO Box 100
Jemez Pueblo, NM 87024
(505) 834-7359

Pueblo of Santa Ana
2 Dove Road
Santa Ana Pueblo, NM 87004
(505) 867-3301

Navajo Nation
P.O. Box 9000
Window Rock, AZ 86515
(928) 871-6352/6357

Pueblo of Laguna
PO Box 194
Laguna Pueblo, NM 87026
(505) 552-6654/6655/6598

Pueblo of Santa Clara
PO Box 580
Española, NM 87532
(505) 753-7330/7326

Navajo Nation - Tohajiilee Chapter
PO Box 3398
Tohajiilee, NM 87026
(505) 836-4221

Pueblo of Nambe
Route 1, Box 117-BB
Santa Fe, NM 87506
(505) 455-2036

Pueblo of Santo Domingo
PO Box 99
Santo Domingo Pueblo, NM 87052
(505) 465-2214

Navajo Nation - Alamo Chapter
PO Box 827
Magdalena, NM 87825
(575) 854-2686

Pueblo of Ohkay Owingeh
(formerly Pueblo of San Juan)
PO Box 1099
San Juan Pueblo, NM 87566
(505) 852-4820

Pueblo of Taos
PO Box 1846
Taos, NM 87571
(575) 758-9593

Navajo Nation - Ramah Chapter
Route 2, Box 13
Ramah, NM 87321
(575) 775-7140/7141

Pueblo of Picuris
PO Box 127
Peñasco, NM 87553
(505) 587-2519

Pueblo of Tesuque
Route 42, Box 360-T
Santa Fe, NM 87506
(505) 955-7732

Mescalero Apache Tribe
PO Box 227
Mescalero, NM 88340
(575) 464-4494

Pueblo of Pojoaque
78 Cities of Gold Road
Santa Fe, NM 87506
(575) 455-3338

Pueblo of Zia
135 Capital Square Drive
Zia Pueblo, NM 87053-6013
(505)867-3304

Pueblo of Acoma
PO Box 309
Acoma, NM 87034
(505) 552-7204

Pueblo of San Felipe
PO Box 4339
San Felipe Pueblo, NM 87001
(505) 867-3381

Pueblo of Zuni
PO Box 339
Zuni, NM 87327
(575)782-7022

Pueblo of Cochiti
PO Box 70
Cochiti, NM 87072
(505) 465-2244

Pueblo of San Ildefonso
Route 5, Box 315-A
Santa Fe, NM 87506
(505) 455-2273

Southern Ute Tribe
PO Box 737
Ignacio, CO 81137
(970) 563-0100

Pueblo of Isleta
PO Box 1270
Isleta, NM 87022
(505) 869-3111/6333

Pueblo of Sandia
481 Sandia Loop
Bernalillo, NM 87004
(505) 867-3317

Ute Mountain Ute Tribe
General Delivery
Towaoc, CO 81334
(970) 565-3751

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